

SPEAKING IN FLORIDA ON THE ISSUES OF
PRESIDENTIAL RECONSTRUCTION 1865-1867:
A RHETORIC OF REUNION

By
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CHAPTER I

INTRODUCTION

During the Middle Period in American history, 1812 to 1850, circumstances gave rise to a series of political issues, clustering around the basic questions of slavery and state sovereignty. In 1820, 1832, and 1850, these issues were temporarily resolved through compromise. By 1861, however, events had intensified old antagonisms, causing the South to withdraw from the Union. Compromise proved unworkable, and a divided nation resorted to the force of arms to resolve the issues.

After the war, during the Reconstruction period, 1865 to 1876, the nation was troubled with the problems inherent in the formulation of an acceptable plan of reunion. The situation was complicated by the fact that the would-be arbitrators viewed the questions of Reconstruction with an eye to the advancement of party aims.¹ Presidential Reconstruction, congressional Reconstruction, and Republican rule in the South produced a series of political crises which culminated in decision at the ballot box.

¹Paul Buck emphasizes that reunion was to a large extent complicated by political considerations. "It became the interest of the Democratic party to 'forget' the war and to patch up quickly a truce which would re-admit their Southern Allies to the political contest. But it was equally important to the Republicans that the past be not forgotten and that a reunion which would increase the strength of their opponents should be postponed. The process of reconciliation was fatefully involved in this counter-purpose of party aims." Paul H. Buck, The Road to Reunion, 1865-1900 (Boston, 1947), p. 73.

The presidential attempt at Reconstruction touched off a national debate during the years 1865 to 1867. The South sought a resumption of normal relations with the federal government as a means of supplanting martial law with civil rule. The presidential plan provided an opportunity to achieve this goal. Southern Democrats and former Whigs, who joined forces and called themselves Conservatives, accepted and defended the presidential plan. Their efforts, along with those of northern Democrats, and a few moderate Republicans,² were ultimately countered by Radical Republicans, who argued against presidential Reconstruction before audiences in the northern and western sections of the nation, and by southern Unionists or Loyalists, who voiced their opposition in the South and in the North.³ The differences between these parties were

²In his attempt to reconstruct the South, Johnson ultimately received the support of northern Democrats, some moderate Republicans who were opposed to the Radical Republican leadership of their party, and the Conservatives in the South. Representatives of these various political groups banded together in Philadelphia, in August of 1866, as the "friends of the President" and sought to organize a "National Union Party." William A. Dunning, Reconstruction, Political and Economic, 1865-1877 (New York, 1907), pp. 72-76. Vol. XXII of The American Nation: A History from Original Sources by Associated Scholars, ed. Albert B. Hart; Michael Martin and Leonard Gelber, The New Dictionary of American History (New York, 1952), p. 428.

³The Radical Republicans and the southern Unionists or Loyalists were the antagonists of presidential Reconstruction. In order to avoid confusion and to contest "the assumption by the president's supporters that they were in the truest sense the upholders of the Union," the Radical Republicans and the southern Loyalists called themselves "Union-Republicans." Dunning, Reconstruction, Political and Economic, 1865-1877, p. 76.

The Radical Republicans have been described in terms of three principal elements: "First, the extreme negrophiles, who, on abstract grounds of human equality and natural rights, demanded full civil and political privileges for the freedmen; second, the partisan politicians,

resolved at the ballot box following the congressional campaign of 1866. A sufficient number of Radical Republicans were elected to Congress to enable that body to discard the presidential terms of Reconstruction and in March of 1867 to substitute its own.

The congressional acts of Reconstruction, which became law over the presidential veto, and which were not ruled on by the Supreme Court, produced debates throughout the "insurrectionary districts" of the South.⁴ Because these terms were the law of the land, the crucial

who viewed the elevation of the blacks mainly as a means of humbling the Democrats and maintaining the existing supremacy of the Republican Party; and third, the representatives of an exalted statesmanship, who saw in the existing situation an opportunity for decisively fixing in our system a broader and more national principle of civil rights and political privilege." After the President and Congress became openly hostile over Reconstruction, the Republican extremists gradually won over many of the moderate Republicans in Congress. Following the congressional election of 1866, the Radicals controlled a two-thirds majority in both houses of Congress. William A. Dunning, Essays on the Civil War and Reconstruction and Related Topics (New York, 1931), pp. 85-91.

The southern Loyalists, those who reputedly opposed disunion in 1861, and remained loyal to the Union throughout the war, initially endorsed Johnson's reconstruction policy. By 1866, however, they became the political allies of the Radical Republicans on the grounds that the application of the presidential terms had left the southern state governments in the hands of the "ex-rebels." Although they were "a small and unimpressive element . . . and could not by themselves contribute much to the cause of the Congress party," their testimony regarding rebel terrorism during the war and rebel rule under the Johnson governments strengthened the Radical Republican position. Dunning, Reconstruction, Political and Economic, 1865-1877, p. 77.

⁴In 1867, the Radicals "proceeded far in the control of the Supreme Court by so limiting its appellate jurisdiction as to avert a decision which might overrule the reconstruction acts." J. G. Randall, The Civil War and Reconstruction (Boston, 1953), p. 751. When the Supreme Court agreed to hear the case of *Ex parte McCordle*, a case which involved the question of the legality of the arrest of a Mississippi editor under the Reconstruction acts, Congress passed a law relieving that body of appellate jurisdiction in cases involving these acts. For

issue became this: Who should lead the states back into the Union, Conservatives or Republicans? Again, the issue was resolved at the polls. Southern Negroes and their carpet-bag friends wrote new state constitutions, inaugurated Republican state governments, and sent Republicans to take their seats in Congress. By 1870, all of the "un-reconstructed" states had been re-admitted to the Union under the auspices of the Republican party.⁵

Soon a major problem emerged as a result of the supremacy of the Republican party in the South. The Republicans attempted to defend their administration, and were countered by the Democrats who advocated political reform and sought release from the Republican yoke. The issue was resolved by 1876, when the Democrats generally regained political control of the South.

These three political phases of the Reconstruction era--the presidential attempt at reunion, the temporary victory of the Radicals, and

a discussion of the McCardle case, see Ellis M. Coulter, The South During Reconstruction, 1865-1877 (Baton Rouge, 1947), p. 122. Vol. VIII of A History of the South, ed. Wendell H. Stephenson and Ellis M. Coulter.

⁵Eleven southern states were re-admitted to the Union between 1866 and 1870. Tennessee was re-admitted in 1866, after ratifying the Fourteenth Amendment. The remaining ten states became members of the Union, after complying with the congressional terms of Reconstruction, in 1863 and 1870. The representatives of Arkansas, North Carolina, South Carolina, Louisiana, Alabama, Georgia, and Florida were admitted to seats in Congress in 1868. Virginia, Texas, Mississippi, and Georgia were re-admitted in 1870. Georgia was admitted to Congress in 1868, but her re-admission was repealed by Congress when the Georgia legislature expelled its twenty-eight Negro members "on the ground that a Negro had a right to vote, but not to hold office." For a description of the congressional terms of Reconstruction and a narrative of their execution, see Francis B. Simkins, A History of the South (New York, 1953), pp. 264-277.

the eventual triumph of the Democrats--may be characterized as a series of debates. Three principal questions caused six different political groups to espouse a cause and attempt to influence public judgment through persuasion.

The cumulative efforts of any of these groups may be thought of as a rhetorical movement. Such a movement, moreover, may be said to have inceptive, progressive, and terminal phases.⁶ The inception of the movement stems from a situation, issue, or proposition that motivates men to bring about change or achieve a specific goal through persuasion. When their efforts culminate in success or failure, the rhetorical movement has reached its terminus. The stream of discourse produced between the inceptive and terminal phases comprises the progressive phase of the movement.

By studying the composite rhetoric--what the speakers of a movement said, rather than what one man said--one can characterize the structure or patterns of this rhetoric and evaluate its worth. Such a study not only provides a fresh approach to the history and criticism of American public address, but may suggest new or neglected criteria of criticism. A study of this type may enable us to ask questions about rhetoric

⁶In an essay outlining a methodology for the study of the rhetorical structure of an historical movement, Leland Griffin characterized the inceptive, progressive, and terminal phases of a rhetorical movement and suggested that they be employed in delimiting such a movement for study. See Leland M. Griffin, "The Rhetoric of Historical Movements," Quarterly Journal of Speech, XXXVIII (April, 1952), 184-188; Leland M. Griffin, "The Rhetorical Structure of the Antimasonic Movement," The Rhetorical Idiom: Essays in Rhetoric, Oratory, Language, and Drama, ed. Donald C. Bryant (Ithaca, New York: 1958), pp. 145-159.

that have not been asked by the student of the individual orator.

Locating a rhetorical movement for study, within the framework of the Reconstruction period, is largely a problem of choice. One person cannot attempt to study, in its entirety, any one, let alone all six, of the rhetorical movements that occurred during these years. This may be illustrated by analyzing the two rhetorical movements that evolved from the issue of presidential Reconstruction during the years 1865 to 1867.

Anyone attempting to study the rhetorical movement favoring presidential Reconstruction would have to analyze: (1) the speaking of federal officials and Conservatives in the South, (2) the speaking of Democrats and moderate Republicans in Congress, (3) the speaking of northern Democrats, Conservatives, and moderate Republicans in the congressional campaign of 1866, which was decided by voters in the northern and western parts of the nation, and (4) the speaking of President Johnson, including his messages to Congress and his famous "swing around the circle."⁷

A study of the rhetorical movement opposing presidential Reconstruction would have to include: (1) the speaking of Radical Republicans and southern Loyalists in the South, (2) the speaking of the

⁷For a rhetorical analysis of Johnson's "swing around the circle," see Gregg Phifer, "The Last Stand of Presidential Reconstruction; a Rhetorical Study of Andrew Johnson's Swing around the Circle in 1866" (unpublished Ph.D. dissertation, State University of Iowa, 1949); Gregg Phifer, "'Not for the Purpose of Making a Speech': Andrew Johnson's Swing around the Circle," Speech Monographs, XXI (November, 1954), 285-293.

Radical Republicans in Congress, and (3) the speaking of Radical Republicans and southern Loyalists in the congressional campaign of 1866.

Because of the scope of these rhetorical movements, the student must choose sides and select a segment of some one movement for study. This dissertation represents an attempt to describe and evaluate the rhetorical movement favoring presidential Reconstruction in Florida during the years 1865 to 1867.⁸

Aside from the writer's personal interest, a number of reasons might be offered for the selection of: (1) this particular historical period, (2) a rhetorical movement in Florida, (3) a rhetorical movement on the issue of presidential Reconstruction, and (4) a rhetorical movement favoring presidential Reconstruction.

First, as to the selection of the Reconstruction era, the existence of the three previously mentioned controversial issues during this period precipitated a great amount of speechmaking. Yet relatively

⁸The study of an individual orator has been a common approach in writing the history and criticism of American public address. In recent years, however, more attention has been given the movement approach, wherein an attempt is made to study the rhetoric of "nameless men," who spoke on a specific theme within the framework of a given historical period. For examples of movement studies, see Leland M. Griffin, "The Antimasonic Persuasion: A Study of Public Address in the American Antimasonic Movement, 1826-1838" (unpublished Ph.D. dissertation, Cornell University, 1950); Donald H. Ecroyd, "An Analysis and Evaluation of Populist Political Campaign Speech Making in Kansas, 1890-1894" (unpublished Ph.D. dissertation, State University of Iowa, 1949); Stanley B. Wheeler, "Persuasion in the Save the Union Meetings, 1859-1861" (unpublished Ph.D. dissertation, University of Wisconsin, 1955); Huber W. Ellingsworth, "Southern Reconciliation Orators in the North, 1868-1899" (unpublished Ph.D. dissertation, Florida State University, 1955); and Robert W. Smith, "A Study of the Speaking in the Anti-Secrecy Movement, 1868-1882, with Special Reference to the National Christian Association" (unpublished Ph.D. dissertation, State University of Iowa, 1956).

little of this speaking has been studied. As Dallas C. Dickey observed, "The speaking of southerners on the problems of reconstruction is unknown except for that of a few men. . . ."⁹

This generalization is particularly true with respect to the Reconstruction period in Florida. Although samples of the discourse have been preserved along with other materials of Florida history, the speaking of Floridians on the issues of presidential Reconstruction has not been studied. None of the general state histories give more than passing notice to the speaking of these years.¹⁰ William W. Davis' history of the Reconstruction period in Florida contains some extracts from the discourse, but makes no attempt at analysis.¹¹

Since relatively little of the discourse of the Reconstruction period has been studied, the selection of a rhetorical movement dealing with the presidential Reconstruction seems a logical place to begin.

⁹Dallas C. Dickey, "Southern Oratory: A Field for Research," Quarterly Journal of Speech, XXXIII (December, 1947), 458-463. Watson's survey of southern oratory is too comprehensive to admit concentrated study of a particular historical period. Reconstruction speaking is treated as one of seven aspects of "Post-Bellum Oratory in the South, 1865-1909," and only one speech is supplied to illustrate the speaking of the period 1865 to 1867. Thomas E. Watson, History of Southern Oratory (Richmond, 1909), pp. 71-75. Vol. IX of The South in the Building of the Nation.

¹⁰See Caroline M. Brevard, A History of Florida from the Treaty of 1763 to Our Own Times, ed. James A. Robertson (Deland, Florida: 1924), II, 124-142; Frederick W. Dau, Florida Old and New (New York, 1934), pp. 275-278; J. E. Dovell, Florida: Historic, Dramatic, Contemporary (New York, 1952), II, 525-557; W. T. Cash, The Story of Florida (New York, 1938), I, 458-476; and Kathryn T. Abbey, Florida Land of Change (Chapel Hill, 1941), pp. 293-315.

¹¹William W. Davis, The Civil War and Reconstruction in Florida (Columbia University Studies in History, Economics and Public Law; Vol. LIII, No. 131. New York, 1913).

Presidential Reconstruction, congressional Reconstruction, and Republican rule of the South occurred in chronological sequence. A knowledge of the rhetorical movements favoring and opposing the first attempt at reunion will provide insights into the movements that followed. As the investigator proceeds from one movement to another, it is important to know, for example, that white Floridians who opposed Negro suffrage in their speeches favoring presidential Reconstruction, later had to appeal to Negro audiences for votes when they sought to retain political control of their state under the congressional terms of Reconstruction.

The same reasoning applies to the selection of a rhetorical movement favoring presidential Reconstruction. President Johnson set out to reconstruct the South between the months of April and December of 1865, a period during which Congress was not in session. The rhetorical movement opposing his scheme came as a result of what is sometimes judged to be premature and unauthorized action. Hence, an analysis of the rhetorical movement favoring the presidential plan may aid in understanding the inception of this counter-movement.

Further, the rhetorical movement favoring presidential Reconstruction in Florida was selected because the counter-movement in the state represented only the sporadic efforts of an impotent minority. In 1865, there was no organized group standing in opposition to the execution of the presidential plan of reunion in Florida. Florida's Loyalists initially endorsed the presidential terms of reunion with the expectation that they would be recognized as the rightful heirs to political leadership in the state. They did not, however, achieve the prominence they

sought. Few, if any, of their number were elected members of Florida's state government, inaugurated in accordance with the presidential plan in December of 1865.

After Congress met in the same month, it became clear that the presidential scheme might not represent a final settlement. As opposition to presidential Reconstruction grew stronger in Washington, Loyalists in Florida became more vocal. From about February of 1866, until the passage of the congressional terms of Reconstruction in 1867, this disgruntled minority, together with a small number of Republicans in the state, voiced their opposition to the "rebel rule" created and sanctioned by the presidential plan of Reconstruction. This seems to have been the nature and extent of the rhetorical movement opposing presidential Reconstruction in Florida during the period 1865 to 1867.¹²

¹²The extant newspapers of the period, 1865 to 1867, yield the following accounts of the activities of Unionists and Radical Republicans in opposition to presidential Reconstruction in Florida:

Meeting of "loyal citizens," Fernandina, February, 1866: Liberty Billings, a former officer of a Negro regiment and a one-time resident of New Hampshire, delivered a speech in which he characterized the Johnson government in Florida as "infamous," and described President Johnson as an "usurper." The acts of the new Florida legislature, which met in December of 1865, and adjourned in January of 1866, were held to be "iniquitous and disgraceful--the work of men fresh from rebel camps." For an account of the meeting and the Billings speech, see Tallahassee Tri-Weekly Florida Sentinel, February 17, 1866; Gainesville Weekly New Era, February 24, 1866; Jacksonville Weekly Florida Union, February 24, 1866, in Tallahassee Tri-Weekly Florida Sentinel, February 27, 1866.

Meeting of "the truly loyal men of Florida," Tampa, March 15, 1866: Florida's Unionists met for the purpose of "taking the initiatory steps for the formation of a truly loyal party." In future elections for state officers, the party members pledged themselves to support "men who, during the rebellion, have been known to sympathize with the Government of the United States. . . ." All "true Union men" were not prepared to accept the position "that a man's participation in the rebellion should be used as an argument to place him in power in the State or Federal

A final concern is that of the methodology employed in research and in the writing of the study.

The writer began his search for materials by making an inventory of the extant resources of the period. Pertinent general and special histories, and theses and dissertations were consulted for information on the historical background. Texts of speeches and related materials were collected from newspapers, legislative and convention journals, diaries, manuscript collections, government publications, and periodicals. The investigation of these resources was carried on chronologically, proceeding from the inception of the rhetorical movement to its termination.

Government." For an account of the meeting, the text of the resolutions adopted, and the reaction of the Conservative press, see Tallahassee Semi-Weekly Floridian, May 1, 1866; Jacksonville Weekly Florida Union, May 5, 1866; Gainesville Weekly New Era, May 25, 1866; Tampa Weekly Florida Peninsular, June 23, 1866.

Union Club meeting, Fernandina, July 4, 1866: Daniel Richards, a Radical Republican from Illinois, who was stationed in Florida as a United States tax commissioner, gave a speech denouncing the "validity" of the Johnson government in Florida. "There is no such thing as law existing here," he declared. "The rebels have made what they call a Constitution, enacted laws and elected officers, but none are valid." Rebels cannot make a Constitution and execute laws for . . . loyal people." For an account of the occasion, see the speech and the reaction of the Conservative press in Tallahassee Semi-Weekly Floridian, July 26, 1866. See also New York Times, July 23, and 29, 1868. Richards later wrote his congressman and confided that if "union men" were to be assured of protection in Florida, "they would [have to] organize . . . and overthrow and revolutionize the State government." He challenged the authenticity of the text of his Fernandina speech as published in the New York Times, and regretted that President Johnson might dismiss him as tax commissioner "for something I didn't say." Daniel Richards to Elihu B. Washburne, Sterling [Illinois], September 11 and November 6 and 7, 1866. George C. Osborn, "Letters of a Carpetbagger in Florida, 1866-1869," Florida Historical Quarterly, XXXVI (January,

The method utilized in writing the study takes the form of a chronological narrative of the rhetorical movement. The story of the movement (Chapters II through VII) is narrated within a frame of reference that precludes historical hindsight. Each narrative chapter is divided into three sections: "The Scene," "The Discourse," and "The Rhetoric." In "The Scene" an attempt is made to answer two questions: To whom was the discourse directed, and why? The section of "The Discourse" constitutes an account of what was said or written.¹³ In the

1958), 254-255, 256-258.

Union-Republican or southern loyalists convention, Philadelphia, September 3-7, 1866: In August of 1866, the Radical Republicans issued a call for a national convention to counteract the effect of the National Union convention, an assemblage of the "friends of the President," which had met in Philadelphia on August 14, 1866. Hence, Florida's Loyalists were invited by Ossian B. Hart, a native Floridian who became governor in 1873, to attend a state convention of "Unconditional Unionists" at Tallahassee on August 22, for the purpose of appointing delegates to the Union-Republican convention in Philadelphia. For information regarding the state convention, see Tallahassee Tri-Weekly Florida Sentinel, August 7, 1866; Tallahassee Semi-Weekly Floridian, August 23, September 4 and 7, and October 5, 1866; Gainesville Weekly New Era, August 10, 1866; New York World, September 4, 1866; Syracuse Daily Journal, September 12, 1866. For information concerning the activities of Florida's Loyalists at the Union-Republican convention in Philadelphia, see New York Times, September 5, 6, and 8, 1866. For the reactions of the Florida press, see Tallahassee Semi-Weekly Floridian, September 18, 1866. Tallahassee Tri-Weekly Florida Sentinel, September 18, 1866; Gainesville Weekly New Era, September 28, 1866; Tampa Weekly Florida Peninsular, October 5, 1866.

Public meeting to advocate the establishment of territorial government in Florida, Fernandina, December 11, 1866. For an account of the meeting and the reaction of the Conservative press, see Tallahassee Semi-Weekly Floridian, December 21, 1866.

¹³Although the study is largely limited to the speaking, all of the extant discourse, whether written or spoken, which was pertinent to the principal issues of the movement, is taken into account. In following this procedure, the writer has been guided by Donald Bryant's concept of the scope of rhetoric: "Rhetoric must be understood to be the rationale of informative and suasive discourse both spoken and written." Donald C. Bryant, "Rhetoric: Its Functions and Its Scope," Quarterly Journal of Speech, XXXIX (December, 1953), 407.

section entitled "The Rhetoric," an attempt is made to define the ends of those who produced the discourse and to describe the means which they employed to achieve their objectives. Finally, a synthesis characterizing the structure of the movement as a whole, an evaluation of the rhetoric, and certain generalizations regarding the unique characteristics of this rhetorical movement favoring presidential Reconstruction in Florida during the years 1865-1867 are presented in the final chapter (Chapter VIII).

CHAPTER II

SPEAKING TO THE REVOLUTIONISTS DURING THE PRECONVENTION PERIOD: A RHETORIC OF ACQUIESCENCE

The Scene

On the evening of April 9, 1865, a group of Tallahassee citizens gathered in the hall of the House of Representatives. The occasion was one of musical festivity. "A magnificent quartette was singing 'The Southern Marseillaise,' when a gentleman entered the door and advanced rapidly up the aisle, bearing aloft in his hand a telegram." The music stopped and the messenger read aloud: "General Lee surrendered the army of Northern Virginia today, at Appomattox." The war was over!

Said Susan Eppes, who was present:

That . . . was the death knell of all our hopes and for a moment a silence as of the grave filled the hall; then followed such a scene as we pray we may never see repeated. Tears and cries and lamentation, the bitterness of heart-broken woe. Men, women, and children, wept aloud as they realized the calamity which had befallen us. Few slept that night and the sun arose upon a miserable, broken-hearted people--far too miserable even to talk it over with each other. It was as though our nearest and dearest lay dead within the house.¹

The Florida Union reflected a similar emotion when almost a month later it reported the surrender of Confederate General Joseph E. Johnston. "The present is not a fitting time for comment," it said. "A

¹Susan B. Eppes, Through Some Eventful Years (Macon, 1926), pp. 266-267. The final capitulation of southern armed resistance took place in successive stages, with the surrender of Joseph E. Johnston on April 26, Richard Taylor on May 4, and Kirby Smith on May 26. Randall, The Civil War and Reconstruction, pp. 279-684.

sufficient time must first elapse for careful consideration and thought. . . .²

During the first months of peace, the men and women of Florida were too much occupied with the immediate needs of life to take time to estimate the plight of their state. When estimates were made, however, the findings were appalling. By July of 1865, even the most casual observer was aware of the striking military, economic, social, and political changes that had affected his society.

The cost of the war could not be measured with adjectives or statistics. More than 17,000 Floridians had been in uniform. Of this number, 2,334 wore the blue, 15,000 the gray. About 5,000 Confederates never returned home. The fate of the Fifth Florida Infantry provided a sample of the havoc wrought by war. In 1861, it numbered almost 1,100 men. At Appomattox fifty-three survivors surrendered. Their comrades had deserted or were disabled, dead, or imprisoned.³

Many of the people at home did not have to rely on newspapers or casualty lists for knowledge of war. Residents of coastal areas and parts of the interior such as Fernandina, Jacksonville, St. Augustine,

²Jacksonville Weekly Florida Union, May 6, 1865.

³Florida furnished the Union Army with 1,290 white soldiers and with 1,044 Negro soldiers. Davis estimated that 6,700 Floridians served in Confederate ranks through the entire war or until they were disabled or killed, 6,400 for the last three years, and 2,000 for the last two years or less. Of the 5,000 Confederates who died, 1,000 were reported killed in battle, while the remaining 4,000 died of wounds or disease. Davis, The Civil War and Reconstruction in Florida, pp. 224-225; 322-324. Benjamin C. Truman reported that 18,000 Florida men served in Confederate ranks, and that 6,000 died in action and from disease. New York Times, December 25, 1865.

Tampa, Cedar Keys, Apalachicola, Pensacola, Baldwin, Sanderson, Gainesville, Starke, Olustee, Palatka, Picolata, Magnolia, Milton, Natural Bridge, and Marianna had experienced federal attack and occupation.⁴

While burdened with these recollections the mind of the Floridian was of necessity brought to focus on the problems of the living. Those who had survived would have to make a new beginning, for the economic resources of the state had dwindled, and in some instances vanished. Emancipation accounted for one type of economic loss: \$22,000,000 invested in slaves had evaporated. A total of 61,745 Negroes passed from slavery to freedom, and 5,152 slaveholders plunged from a condition of wealth to one of relative poverty.⁵ Although the economic impact of emancipation affected the entire state, slaveowners in the "black arc" area were hardest hit.⁶ In Tallahassee alone "there were about 800 persons owning slaves valued at from \$3,000 to \$500,000, all gone by the same act. . . ." ⁷

⁴For an account of the Civil War in Florida, see Davis, The Civil War and Reconstruction in Florida, pp. 150-174, 268-316; Rembert W. Patrick, Florida Under Five Flags (Gainesville, 1955), pp. 50-55.

⁵Davis, The Civil War and Reconstruction in Florida, p. 324. For statistical information on the people of Florida in 1860, see Kevin E. Kearney, "Political Speaking in Florida from 1859 to 1861" (unpublished Master's thesis, University of Florida, 1955), pp. 7-8. The estimate of the number of slaveholders in 1860 is given in Gainesville Weekly New Era, July 15, 1865.

⁵The plantation counties of Jackson, Gadsden, Leon, Jefferson, Madison, Alachua, and Marion formed what has been called the "black arc," and contained 64.4 per cent of Florida's slave population. Edwin L. Williams, Jr., "Negro Slavery in Florida," Florida Historical Quarterly, XVIII (January, 1950), 187.

⁷Observations of "Hawk-Eye" in the Burlington [Iowa] Hawk Eye, April 4, 1866, in Tallahassee Semi-Weekly Floridian, April 24, 1866.

Destroyed real property totaled at least \$22,000,000.⁸ Repudiation of the state debt, the confiscation of cotton, and the public sale of homes and estates for the non-payment of taxes accounted for additional losses.

The plight of one of Florida's citizens serves as an example of the economic havoc wrought by war and emancipation. A business associate of David L. Yulee sought employment for a friend in Hamilton County. He wrote:

I have a friend . . . (Dr. Marion) who was the owner of 80 negroes and 25000 in Confederate Bonds and is now penniless [,] a man of unimpeachable veracity, and good business qualities. He writes to me and asks me if there is any thing he can get to do down this way to support his family--a wife, and two children.⁹

The Florida Union probably had men like Marion in mind when it characterized the plight of the penniless. "To most of them the future is dark and uncertain. Many who were looked upon as wealthy men are now penniless, their Confederate money being worth no more than so much trash. To obtain a livelihood now becomes an important question with them."¹⁰

The anguish resulting from the loss of loved ones and wealth was intensified by rapid changes of a social and political nature. Although

⁸"Among the states east of the Mississippi, only South Carolina and Alabama surpassed Florida in the proportional decline of property values." Davis, The Civil War and Reconstruction in Florida, p. 324.

⁹John S. Purviance to David L. Yulee, Cottonwood, January 29, 1866, David L. Yulee Papers, P. K. Yonge Library of Florida History. Cited hereafter as Yulee Papers.

¹⁰Jacksonville Weekly Florida Union, May 27, 1865.

Appomattox made such changes inevitable, it was not until after the formal surrender of the state itself that defeat really came to Florida. On May 10, a Tallahassee resident was startled "by a cry from our little 'black boy,' of 'Yankees!' 'Yankees!' and I found myself running to the front, to see Gen. [Edward M.] McCook and staff enter to take command of our little city." The General "made a very modest entrance, respecting the humiliation of the people by leaving his cavalry some four miles distant to approach more leisurely."¹¹ McCook's orders read in part:

Upon your arrival at Tallahassee you will take all necessary steps to carry into effect the terms of the convention arranged by General Sherman and General Johnston, and to restore the country to peace and good order. . . . Compel all editors of newspapers to publish their papers in the interests of peace, good order, and national unity. . . . Exact a parole to this effect or prohibit the publication. . . . Discountenance public meetings of all kinds in order that excitement may be allayed and dispassionate reason may resume its sway.¹²

After occupying Tallahassee and accepting the surrender of Florida troops, McCook wrote his superior:

On the 10th instant I reached Tallahassee. . . . The rebel troops with all the public property in the District of

¹¹Ellen Call Long, Florida Breezes: or, Florida, New and Old (Jacksonville, 1883), pp. 380-381. Tallahassee was the only southern capital east of the Mississippi that did not fall during the war. For the story of the surrender of Tallahassee, see Albert H. Roberts, "Tallahassee Rejoins the Union," Apalachee (publication of the Tallahassee Historical Society, 1944), pp. 74-80.

¹²James H. Wilson to Edward M. McCook, Macon, May 4, 1865, in The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, Series I, Vol. XLIX, Pt. 2 (Washington, 1897) p. 602.

Florida were surrendered to me by Maj. Gen. Samuel Jones on the 10th day of May, and the U. S. flag raised over the state-house. . . . In my intercourse with the citizens and surrendered soldiers of this Florida command I found only the more entire spirit of submission to my authority, and in the majority of instances an apparent cheerful acquiescence to the present order of things.¹³

Shortly after sending this communication, however, the commanding general was confronted with two problems. First, Abraham K. Allison, Florida's governor, announced his plan for the reconstruction of the state.¹⁴ Second, several planters in the Leon County area asked that military aid be granted to compel the return of Negroes to their homes and work. While awaiting word from his superior on the Allison incident, McCook proceeded to clarify the federal government's position with regard to the status of the Negro.

Planters in Middle Florida and other portions of the interior

¹³Edward M. McCook to E. B. Beaumont, Macon, June 1, 1865, ibid., pp. 943-945.

¹⁴Abraham K. Allison, a native of Georgia, but long a resident of the state, became governor of Florida in April of 1865, acceding to the position as president of the state Senate following the suicidal death of Confederate Governor John Milton. Patrick, Florida Under Five Flags, p. 55; Quincy Weekly Gadsden Democrat, July 21, 1893. On May 13, Allison informed McCook that he had appointed five commissioners--David L. Yulee, J. Wayles Baker, Mariano D. Papy, E. C. Love, and J. L. G. Baker--to proceed to Washington "for the purpose of making known to the executive authorities of the United States the steps in progress for harmonizing the government of this State with the Constitution of the United States and of conferring generally with the public authorities of the Federal Government concerning our affairs." Official Records of the Rebellion, Series I, Vol. XLIX, Pt. 2, p. 748. Allison announced further particulars of his plan in a proclamation calling for an extraordinary session of the state legislature on June 5, and for an election of a governor on June 7. Philip D. Ackerman, "Florida Reconstruction from Walker through Reed, 1865 to 1873" (unpublished Master's thesis, University of Florida, 1948), p. 29.

which had not been occupied by the federal military apparently had been startled by McCook's emancipation order of May 20. It informed "those who seem to be ignorant of the fact," that the President of the United States had issued, in 1862, "a proclamation changing the status of persons held as slaves," and that the proclamation had been in effect since January 1, 1863. Moreover steps were taken to notify the Negro of his freedom. Messengers, says Long, "penetrated to our kitchens and plantations, informing the negroes, who in wonderment left hearth and field to hang around the Yankee camp to know more about 'dis here freedom.'" ¹⁵ In Tallahassee a festival was held by the Negroes on the day of the proclamation.

There was a broad grin on every countenance, shaking of hands, and a general air of extreme satisfaction, but no outbreaks, no offensiveness; nothing to indicate a feeling

¹⁵Long, Florida Breezes, pp. 381-382. Long furnishes an explanation for the surprise in Middle Florida at the news of emancipation. "Although the emancipation of the slaves had been discussed as a probable result of the war, yet we in Middle Florida were so removed from the advance or occupation of the South by the army, that we had not realized that this was an accomplished fact." The news "surprised many; as if there had never been a formal declaration of the same two years before by President Lincoln; though, truth to say, it had never reached us, and elsewhere, as here 'freedom' had followed in the wake of the army." Ibid., p. 381. The Florida Union corroborates Long's account of the situation with the statement that "up to that time [May 20] there had been a feeling of hope on the part of the planters that they would be allowed to retain their slaves and a gradual emancipation policy would be adopted. The receipt of this order put an end to all such hopes." Jacksonville Weekly Florida Union, May 27, 1865. The abolition of slavery was not an avowed purpose of the Civil War. It emerged as a "war measure." During the early years of war, slaves who entered the Union lines were returned to their owners. One scheme followed another. At one point slaves were considered as "contraband." Lincoln posed colonization and "compensated emancipation" as possible solutions. Hence, southerners were confused by conflicting reports and proposals. For an historical treatment of the development of the emancipation policy, see George R. Bentley, A History

of triumph, or joy of escape from thralldom. Some families were disturbed by the sudden departure of house servants, but generally both white and black accepted the situation together, willing to wait and learn the duty required respectively.¹⁶

An observer for a Jacksonville newspaper reported that "the manner in which the negroes received the intelligence varied. Some received it in silence; these were the more intelligent portion who were not totally in ignorance of what had been going on. Others were considerably astonished, and scarcely comprehended its meaning."¹⁷

While some Negroes may have been confused, the social implications of the change were patent to the whites. In the absence of Negro servants Florida's women were urged "to scorn and scout all the vanities of pride and fashion," and to remember "that woman's glory consists in being useful as well as ornamental. . . ." Young men accustomed to "living in ease" were praised for taking "the plough and the hoe" and going "to work in the field to save the crop."¹⁸

Political changes required further adjustments. In reply to his query regarding Allison's authority, McCook received orders not to

of the Freedmen's Bureau (Philadelphia, 1955), pp. 1-15; Randall, The Civil War and Reconstruction, pp. 477-511.

¹⁶Long, Florida Breezes, p. 382.

¹⁷"Report on the Interior, Tallahassee, May 23, 1865," Jacksonville Weekly Florida Union, May 27, 1865. For a thorough account of the Negro's passage from slavery to freedom, see Coulter, The South During Reconstruction 1865-1877, pp. 47-69.

¹⁸Jacksonville Weekly Florida Union, June 24 and October 28, 1865. Some planters refused to believe that the free Negro would be a successful laborer and determined to procure white laborers from the North. See the Gainesville Weekly New Era, November 11, 1865.

recognize the Governor or any state official purporting to act under his instructions.¹⁹ On May 24, the last vestiges of Florida's Confederate government were swept away by a military order that proclaimed martial law to be "the only law" existing in Florida. Lawyers, practicing physicians, and ministers of the gospel were required to take the oath of allegiance to the United States and were "expected . . . to aid the authorities in preserving and bringing the people back to a cheerful and hearty obedience to the authority of the General Government." All of the legal proceedings and acts "of the so-called Confederate Government, or of the State of Florida as one of the members of that Government" were declared null and void.²⁰ Military rule replaced civil law. The state was reduced to the status of a military department, and humiliated by the presence of "blacks in blue."²¹ It became clear that

¹⁹Ackerman, "Florida Reconstruction from Walker through Reed, 1865 to 1873," p. 31.

²⁰General Orders Number 22, issued at Jacksonville, May 24, 1865. Official Records of the Rebellion, Series I, Vol. XLVII, Pt. 3 (Washington, 1895), 623.

²¹By early June the disposition of troops was as follows: five companies at Tallahassee; one at Madison; one of the Third United States Colored at Monticello; two companies, one white and one colored, at Lake City; at least five companies, some white and some colored, at Gainesville; one company at Newmansville; one at Micanopy. Plans were made to occupy Ocala, Waldo, and Palatka. The scheme was to post troops "so that they may be easily united, if necessary, at the same time covering as large an extent of territory as possible." Brigadier General Israel Vogdes to Major W. L. M. Burger, Jacksonville, June 4, 1865. Ibid., p. 622. In accordance with General Orders Number 118 of the War Department June 27, 1865, Major General John G. Foster was appointed to command the Department of Florida, a subdivision of the "Military Division of the Gulf." Ibid., Series I, Vol. XLIX, Pt. 2, 1039-1040. For information on the disposition of the military throughout 1865, see Ackerman, "Florida Reconstruction from Walter through Reed, 1865 to 1873," pp. 31-33;

those who had worn the mantle of Confederate authority were not to be among those who would initiate the reconstruction of the state. Three of Florida's wartime leaders, David L. Yulee, Stephen R. Mallory, and Abraham K. Allison were placed under federal arrest and imprisoned.²²

Chaos, sorrow, and frustration were the constant companions of defeated and demoralized Floridians. There arose a philosophy based on the realities of the moment. A Gainesville newspaper reflected the attempt to shape these impressions and emotions into an acceptable code of conduct for a "stateless" citizenry:

It is true, alas! too true, that the sword and torch have desolated much of our hitherto, happy land--that the ravages of war have left no trace of remembrance of many once happy homes--that many of our people have been reduced from affluence and wealth to penury and want. . . . Let it be so--whether this should or should not be the case, we left to arbitration, and by the result of that arbitration, we are, in this, as in all other matters, forced to abide.

Gainesville Weekly New Era, August 12, 1865; Tallahassee Semi-Weekly Floridian, November 3, 1865; Jacksonville Weekly Florida Union, December 2, 1865; New York Times, December 25, 1865.

²²Yulee was "charged with treason while holding a seat in the Senate of the United States, and with plotting the capture of forts and arsenals of the United States, and with inciting war against the Government." Mallory, who had served in the United States Senate and as secretary of the Confederate Navy, was "charged with treason, and organizing and setting on foot piratical expeditions against the commerce and marine of the United States on the high seas." Information does not seem to be available on the reason for Allison's imprisonment. Tallahassee Tri-Weekly Florida Sentinel, January 20, 1866. All were confined in 1865. Yulee and Allison were imprisoned at Fort Pulaski, and Mallory at Fort Lafayette. Allison was released in September of 1865; Mallory and Yulee were released on parole in March of 1866. Jacksonville Weekly Florida Union, September 16, 1865; Tallahassee Tri-Weekly Florida Sentinel, March 17 and April 7, 1866.

It became the duty, then, of all "to submit quietly to the decree of fate," and to rely "implicitly upon the mercy and bounteousness of a just God. . . ." ²³ Thus it was that in May of 1865, the conquered lived in the presence of the conqueror and pondered their fate.

When William Marvin, who was appointed Florida's provisional governor on July 13, 1865, recalled the significant events of his life, he included his impression of Florida's people in 1865.

I found the people very poor. Their seaports having been blockaded throughout the war, little or no cotton had been raised. Many families were in mourning for the loss of their sons. . . . I found the whites everywhere ready to admit that they were a conquered people and willing to "accept the situation . . ." The negroes, . . . did not seem to have any very clear ideas touching their new condition of freedom. . . . They were generally greatly perplexed to know how they were to get a living, and who was to take care of them. . . . Nor, indeed, were the white people free from many cares and anxieties not only as regarded their present condition as to food and raiment, but also their future prospects. Their political and social relations were all broken up; their state was under martial law, and some of the citizens threatened with prosecution for treason. ²⁴

On May 29, President Johnson issued an amnesty proclamation, and announced the terms under which the southern states could be restored to their normal relations with the federal Union. ²⁵ Basing his plan on

²³Gainesville Weekly New Era, August 12, 1865.

²⁴Kevin E. Kearney, "Autobiography of William Marvin," Florida Historical Quarterly, XXXVI (January, 1958), 216-218.

²⁵All those who participated in the rebellion, with the exception of certain specified classes, were granted pardon along with the "restoration of all rights of property, except as to slaves, and except in cases where legal proceedings under the laws of the United States providing for the confiscation of property of persons engaged in rebellion have been instituted. . . ." In order to obtain pardon, each individual had to

Lincoln's philosophy of Reconstruction, Johnson outlined his policy in a proclamation which named W. W. Holden provisional governor of North Carolina. The provisional governor was instructed to call a convention. The delegates to the convention, and those who elected them, were to take the amnesty oath and were to qualify as voters in accordance with the constitution and laws of North Carolina in force prior to the secession of the state. The duties of the constitutional convention were well defined. It was to prescribe "permanent voting and office-holding qualifications" for the citizens of the state, repeal the ordinance of secession, abolish slavery, and repudiate the Confederate war debts.

After the convention completed its work, the loyal citizens might choose their state officials. The newly elected legislature would then meet, ratify the Thirteenth Amendment to the federal Constitution, and elect United States senators and representatives. Upon the completion of these steps, the Secretary of State, William H. Seward, would issue a proclamation retiring the provisional governor, and restoring the functions of the state to the regularly elected governor.²⁶

take the amnesty oath, swearing that he would "henceforth faithfully support and defend the Constitution of the United States and the Union of the States, . . ." and that he would "abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. . . ." Those excepted from the general amnesty were permitted to petition for a special pardon. A copy of the proclamation may be found in James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1897, VI (Washington, 1899), 310-312. Cited hereafter as Messages and Papers of the Presidents.

²⁶Similar proclamations were issued for all the southern states. The Johnson plan, which was similar to that advanced by Lincoln, was premised on the belief that a loyal nucleus of citizens in each of the

This was the process Florida was to follow also, a process that was to begin with the Floridian's acceptance of defeat and with his acquiescence in the political settlement proposed by the President. It is the story of this beginning, or more specifically, the story of the speaking that was an important part of this beginning, that constitutes the subject matter of the remainder of this chapter.

So far as the writer knows, there are three extant samples of what speakers said to the white people of Florida during the pre-convention period in 1865: the speech of Alfred Sears, a Union officer, at King's Ferry on July 23, 1865, and two speeches by William Marvin, provisional governor, one in Jacksonville on August 3, 1865, and one in Quincy on September 5, 1865.²⁷

Both speakers, as we shall see, dealt with some of the major adjustments that the southerner had to accept as a consequence of war and defeat, when they pointed out that economic adjustment would depend on the white people's willingness to recognize the Negro's capabilities as a free laborer and that social adjustment would require mutual respect and sympathy on the part of both races. We shall see, moreover, that the principal speaker, the Provisional Governor, had the further responsibility of telling the white people, particularly the revolutionists--

southern states could be empowered to reorganize the state and thus ready it for a renewal of its proper relations with the federal government. A detailed account of the Lincoln and Johnson plans of Reconstruction may be found in Randall, The Civil War and Reconstruction, pp. 699-717.

²⁷ Marvin also spoke to the white people in Marianna on September 16, 1865, but so far as the writer knows, the speech was not preserved. Tallahassee Semi-Weekly Floridian, September 26, 1865.

the ex-Confederates and secessionists--about the President's plan of reunion and of convincing them that it would be to their best interest to acquiesce in this settlement. Finally, we shall see that, aside from the specific ends of either speaker, both provided answers for some of the vital questions of the period. Would the federal government confiscate the property of those who had supported the Confederacy? Would Negro suffrage be forced upon the South? What were the presidential terms of reunion? Who were the pardoned and the unpardoned? Was Florida a state in the Union or a political wasteland? If Florida was allowed to control its own politics, would the Loyalists--those who had not supported secession or the Confederacy--be given any advantage over the revolutionists?

The Discourse

Speech of Alfred Sears at King's Ferry

On July 23, the "loyal citizens" of Nassau County gathered at King's Ferry "to consider the subject of reorganizing the State."²⁸

²⁸The audience was said to contain 150 of "the most respectable citizens of the county. . . ." Some had come twelve miles or more to attend the meeting. There seemed to be "a deep interest in returning to the fold. . . ." The citizens of Nassau were somewhat divided in their attitudes. "Among some of the citizens who had suffered by the war, an absurd bitterness toward Lincoln exists for the Emancipation Proclamation, but the feeling is by no means general; there is a considerable body of men in the county who refused to be honeyfugled or forced into Jeff Davis' armies, and who have been under national protection the greater part of the war; these men are determined to have their influence." Port Royal New South, August 19, 1865, in Jacksonville Weekly Florida Union, September 9, 1865.

The meeting was organized with the election of E. D. Tracy, former president of the Florida Senate, as chairman. "After a few remarks by Mr. Tracy, he proceeded to raise the 'old flag,' for which three cheers were given; then the Rev. Mr. Emerson called upon God for his blessing on this people, and his protection to the flag which he had so wonderfully preserved during the last four years of trouble." Next came the report of a committee which submitted resolutions hailing "with patriotic enthusiasm the return of peace and good government," and recognizing Andrew Johnson as "a true friend of Republican Government. . . ." Following the adoption of the resolutions, S. B. Noyes, Collector at Fernandina, was called on to speak. Noyes praised President Johnson as a "true friend of republican liberty, in whose hands the interests of the whole people would be safe."

When Noyes finished speaking, the chairman introduced the speaker of the day, Major Alfred Sears, a federal officer in charge of construction at Fort Clinch in Fernandina.²⁹ Sears dealt with four principal topics: the status of Florida as a free state, the freedmen as laborers, Negro suffrage, and the need for education.

Sears dwelled only briefly on Florida's future as a free state. The people, he said, would have to organize under a free state constitution. Such a condition had to be accepted, "if for no other reason, because it is inevitable." He counseled acquiescence as a substitute

²⁹ Sears was identified as an "Engineer of Construction" at Fort Clinch in Fernandina, and as a long-time citizen of Florida." The context of the speech indicates that he was probably a former resident of Massachusetts. Ibid.; Jacksonville Weekly Florida Times, October 5, 1865.

for demoralization and inactivity. "Let us not spend time in grumbling over what cannot be helped, but go to work, encourage the emigration of laborers to our beautiful State, and hire men to raise crops, to carry on arts and manufactures."

His experience with freedmen "during the last three years," Sears continued, convinced him that once they "learn that work is necessary . . . to live, they become industrious and excellent laborers." His contact with the whites, on the other hand, had taught him that many questioned the ex-slave's potential as a salaried laborer.

In an attempt to change the opinion of the King's Ferry audience on this point, Sears used empirical proof recounting how he had cured absenteeism, demanded punctuality, and earned the respect of the Negroes at Fort Clinch.

Absenteeism was cured by withholding rations.

If my Negro men absented themselves from the work a day for which a ration had been issued from my commissariat, I charged them with the price of that ration when I settled with them at the end of the month. They soon learned that the ration was not a gratuity, but a part of their wages to be paid for work.

Once this lesson was learned, "they became more constant in duty" Those who had worked only eight or ten days a month soon worked the full twenty-six.

Another lesson was in punctuality.

If a man failed to make his appearance while the roll was being called, he was docked for a quarter of a day. It was necessary to be absolute in this thing; they thought it was a great hardship that when they were only five minutes late they should not go to work immediately, but must wait till the end of the first quarter.--However, they learned finally to be punctual.

"Certain old notions about Saturday afternoon" were eradicated in the same fashion. "The negroes found, . . . that it paid to work all the time."

The application of a common rule for black and white laborers also helped to bring the freedmen into industrious habits. They learned that "if I did certain things to the negroes that forced them to work more steadily than had been their custom, I did the very same things by the white laborers. They observed what was going on; they said, 'It's mighty hard on us, but he serves all alike!'"

Sears, as a Massachusetts man, saw the free labor question as one of interest versus prejudice. The object of his discussion was to induce his auditors to lay aside their prejudices toward the Negro and devote their energies to procuring the best results from the freedman's labor. Such a policy was better than "fretting because 'niggers put on airs.'" The speaker clarified his position by recounting a conversation with one of his white laborers.

One of my white laborers, a native of this county, wanting higher wages, complained that he didn't receive as much as a "nigger." "That's very true," I said, "but you are not worth as much." "Well," he replied, "I think a white man ought to be worth as much as a nigger any time." I was forced to say [t]hat I reckon a man's value to me as a laborer b[y] the amount of work he is able to accomplish; that I do not pay a premium on color; I pay for work.

Sears concluded his analysis of the labor question by posing a series of rhetorical questions and affirming his confidence in the good judgment of his listeners.

Now won't you agree with me in this p[r]oposition? Am I not correct? And do you not feel that much of the trouble

occurring among the black proceeds in no small degree from [o]ur own impatience under the changes that h[av]e occurred in their relations to us? Let us [b]e honest with ourselves and with them. Th[e]y are among us; they make the labor of the co[un]try. . . . Will it not be somewhat unreasonable in us --say a little cowardly--if [w]e permit ourselves to be vexed with them because they have been freed? I have no doubt you will agree with me on this subject; that you will approach the whole matter with the dignity becoming your manhood.

Passing on to the question of suffrage, Sears declared Negro suffrage was a doctrine proposed by "overzealous and impractical men" who were "agitating" for it in "various parts of the land. . . ." Although the subject was not worthy of argument, certain observations were in order. First, Sears noted that the President did not countenance the attempt to force Negro suffrage upon the South. "He is determined to let the loyal citizens of this state settle the matter for themselves."³⁰ Next, he maintained that northern men had not actually applied the principle of Negro suffrage in their own section. "If negro suffrage is a good thing in Florida, it must be good in Maine." Northerners ought to try it first themselves, and "then advise us of the result." The suffrage policy of New York was an example of northern hypocrisy. While rendering lip service to the principle, the people of the state introduced safeguards against its liberal application.

³⁰ In his proclamation regarding the reconstruction of North Carolina, Johnson stated definitely that the determination of suffrage qualifications was a power that rested with the people of the states. Richardson, Messages and Papers of the Presidents, VI, 312-314. The Florida Union endorsed the President's position. It editorialized: "The people of Massachusetts or Connecticut have no more right to make our local laws or regulate them than we have to interfere with theirs. In that sentiment we are sustained by the Constitution of the United States as well as the policy of the President. The question of negro suffrage is one which we have the right to settle for ourselves." Jacksonville Weekly Florida Union, July 29, 1865.

Some of the newspapers of New York city [sic] talk of universal suffrage as if it existed in that State. From their tone one might infer that negro suffrage had received a fair trial, and they are giving us the benefit of their experience. Such, however, is not the fact. When the question was submitted to the people of New York, they refused to allow negroes to vote; and so it remains to this day, except that few very specially favored individuals, who among other qualifications possess a certain amount of real estate, are permitted this right. The qualifications I refer to are demanded only of negroes. This is the "manhood suffrage" of New York.

One could reason from this that "even when the laws permit negro suffrage, the popular prejudice against these people is so strong that they have rarely availed themselves of the privilege." The speaker climaxed his point by declaring that although everyone could acquiesce in the belief that "the black laborer must be protected in all his rights," no one "regarded the elective franchise to be one of those rights. . . ."

Before concluding, Sears made some suggestions relative to education. The political control of the state would soon be in the hands of the people. "The rolls of Lee and Johnson's armies, at the time of their surrender" revealed "that only one man in five was able to write his name!" If the people did not want to be "bamboozled" by the "unprincipled men of the State" as they had been "in times past," they ought to protect themselves by demanding constitutional provisos for an efficient school system and teacher training.

Following Sears' speech, the King's Ferry audience listened to "a few appropriate remarks" from a Dr. Smith of Georgia. "A cold dinner, with hot coffee" followed the speechmaking and ended the meeting. There

did not seem to be any "enthusiasm among the people, but there was . . . profound attention and deep, quiet earnestness. . . ." The Florida Times considered Sears' effort an "excellent address," and regarded the speaker as one of the most earnest and zealously patriotic of our citizens. . . ." In his attempt "to arouse the people to their interests," he labored for "the good of the State," and "not from motives of self-aggrandizement. . . ." ³¹

Speech of William Marvin at Jacksonville

On August 2, 1865, the residents of Jacksonville welcomed the newly appointed provisional governor, William Marvin. Many of them anxiously awaited the moment when the state would be "put on the direct high road towards resuming . . . former relations with . . . the Federal government under the good flag of the Union." ³² Hence the next day "a

³¹The speeches of Tracy, Noyes, and Smith were not reported. Only extracts of the Sears speech were published. For an account of the meeting, see Jacksonville Weekly Florida Union, September 9, 1865. The Sears speech was published in Jacksonville Weekly Florida Times, October 5, 1865.

³²Jacksonville Weekly Florida Union, July 22, 1865. Silas Niblack, who was to serve as a delegate to the constitutional convention from Columbia County, wrote Yulee of the attitude of the people in August: "The people of the State have accepted in good faith their situation and very much desire law and order established by civil authority in the State." Silas L. Niblack to David L. Yulee, Jacksonville, August 18, 1865, Yulee Papers. Stephen R. Mallory, writing from his prison cell, counseled a policy of acquiescence. "We are prostrated and powerless. We drew the sword, and staked life, liberty and property upon it. . . . There is no dishonor in frankly accepting the result, and acknowledging defeat, while the obvious dictates of patriotism demand that we make all the sacrifices required for restoration to the Union." Stephen R. Mallory to Charles E. Dyke, Fort Lafayette, November 1, 1865, in Tallahassee Semi-Weekly Floridian, November 21, 1865. Whitelaw Reid reported that the people of South Florida "were looking eagerly forward

large crowd gathered around the music stand near Head Quarters, . . . and demanded . . . a speech."³³

Marvin, accompanied by General Israel Vogdes and others, appeared and "took the stand." The Provisional Governor was fifty-seven years old. He was beardless, almost six feet tall, and of moderate proportions. Many Floridians, including the "ex-slave-holders" who had petitioned Johnson for his appointment, recognized him as a devout Unionist, who had served Florida for twenty-eight years as jurist and statesman.

to re-organization. . . ." Whitelaw Reid, After the War: A Southern Tour. May 1, 1865, to May 1, 1866 (Cincinnati, 1866), p. 187. A preamble and resolution passed at a public meeting held in Waldo on August 26, 1865, was a further indication that many desired change. The provisional governor was asked to facilitate our transition from Martial to Civil Law. . . ." It was resolved that "we do solemnly declare that in our opinion the people of this portion of the State are prepared for such a change, and do most earnestly solicit the Governor to call a Convention of the people of the State, at the earliest possible date." For an account of the Waldo meeting, see Gainesville Weekly New Era, September 2, 1865.

³³Jacksonville had been a focal point of war and occupation. Its citizens suffered through four federal invasions: twice in 1862, and again in 1863 and 1864. Portions of the city were burned when the Confederates withdrew in 1862. At least one-third of the city was reduced to ashes when the Federals withdrew in April of 1863. Re-occupied on February 7, 1864, the area remained under Union control for the remainder of the war. Davis, The Civil War and Reconstruction in Florida, p. 158 et passim. A heart-rending sight confronted returning Confederates and their families. "The desolating effects of war and decay were apparent on every side. The streets were littered with the trunks of trees that had been felled as a barricade against the Confederate cavalry. Ruins of buildings burned; broken-down fences and neglected yards; dilapidated appearance of once neatly painted dwellings--all were depressing to those who sought their former homes. And worst of all, the best and largest dwellings that had escaped the Federal burning in 1863, were occupied by United States officers and troops, in some instances by negro troops, and when the owners applied for possession, many of them learned that their property had been confiscated and sold. . . ." T. Frederick Davis, History of Jacksonville, Florida and Vicinity 1513 to 1924 (Saint Augustine, 1925), p. 149.

An opponent of secession in 1861, Marvin remained at his post as federal judge in Key West until 1863, when he resigned because of ill health. On this third day of August, 1865, he stood before Floridians as the representative of the President, a position he had sought and had been awarded on July 13.³⁴

Marvin's opening remarks to his colored and white listeners embodied several rhetorical skills. He endeavored to gain attention and to identify himself with the audience; he employed personal proof to establish his right to speak on the subject of reorganization; and he alluded to the significance of his topic. He began:

Fellow Citizens:--I am happy to meet this large audience, and discuss the important subjects which are claiming the attention of every one. I have the right to address you, because I am one of the oldest citizens of Florida. I came here whilst we were yet a territory, and assisted in the organization of the State Government. Florida is my state by adoption and affection. Her prosperity and happiness are linked with my own. I have a right, also, to address

³⁴William Marvin, lawyer, author, and statesman, was uniquely fitted for the responsibilities of the provisional governorship. A native of New York, he had lived in Florida from 1835 until 1863. He was well known in many parts of the state because of his service as United States district attorney, and judge of the southern District of Florida at Key West; as a representative of Monroe County in the territorial council, and as a delegate to the first constitutional convention at Saint Joseph in 1838-39. Defeated as a Union candidate for the office of delegate to the secession convention in 1861, Marvin served as federal judge in Key West until 1863. Then he moved his family to New York City, where he established a law practice which was interrupted by his appointment to the provisional governorship in 1865. His residence in New York during the war years provided insight into northern attitudes. As a one-time slaveowner, Marvin could understand the adjustments required of ex-slaveowners and ex-slaves in a post-war, free society. Kearney, "Autobiography of William Marvin," pp. 179-222. For a narrative of the events leading to Marvin's appointment in 1865, see Davis, The Civil War and Reconstruction in Florida, pp. 354-356.

you, because I have been appointed by the President of the United States to aid you in the reconstruction of your State government. I shall make known to you the plan of the President and call your attention to those subjects which are deemed most essential to your welfare. I trust therefore you will give me, on this occasion, your patient attention.³⁵

The subjects Marvin deemed essential to the audience's welfare were: the policy of the federal government, the sale of confiscated lands and property, slavery, the power of the military, and race relations.

The policy of the federal government was, said Marvin, a magnanimous one. Floridians must acquiesce in the fact that they were "a conquered people, and at the mercy of the Government." Speaking as one of them, Marvin characterized their plight. "We are utterly helpless, and lie passive in the hands of the victors." Will the government "press us with its armies? Glut its sword of vengeance with our blood? Or confiscate all our property?" Resuming his role as emissary of the President, Marvin answered: "Not at all, its majesty and might are no greater than its clemency and mercy."

³⁵Marvin disseminated information on the presidential plan in a written "Address to the People of the State of Florida." Dated August 3, 1865, the document contained a definitive statement of Johnson's philosophy of Reconstruction, and a general outline of the plan's application to Florida. The civil authorities of Florida, "having engaged in an organized rebellion against the Government of the United States, have, with the overthrow of the rebellion, ceased to exist, and the State, though in the Union, is without a civil government. . . . The President of the United States has appointed me Provisional Governor of the State, and made it my duty, at the earliest practicable moment, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of the State, who are loyal to the United States and no others, for the purpose of altering or amending the constitution of the State; and with authority to exercise within the limits of the State, all the powers necessary and proper to enable the loyal people of the State to

In the light of this statement the federal government's policies of confiscation and amnesty exemption required explanation.

Confiscation was justified as a war measure. "At the outbreak of the rebellion the so-called Confederate Government confiscated the property of all Union people, and had the insurgents been successful . . . the property of such citizen [sic] would have been confiscated and lost to them." Hence, the "United States, . . . as a means of strengthening the government, and crippling the rebellion confiscated the property of its most guilty instigators and adherents." This was "in accordance with the usual practice of nations under similar circumstances."

Why were "Generals, Judges, Governors, members of Congress," "those who were worth over \$20,000 of taxable property," and others exempted from the President's amnesty proclamation? Their "presumed superior intelligence," their "ability to take some pains to secure pardon," and their "responsibility . . . to the State" were, thought Marvin, probably "among the reasons" which led the President to exempt the wealthier class. Circumstances would probably necessitate making "examples of a few of the most wicked . . . persons," but very probably

restore it to its constitutional relations to the federal government." The issue of Negro suffrage was "an open question--a proper subject for discussion--and is to be decided as a question of sound policy by the convention to be called." For a copy of the address, see Gainesville Weekly New Era, August 12, 1865, or Jacksonville Weekly Florida Union, August 5, 1865.

most of the exempted classes would receive executive clemency.³⁶ Marvin concluded his discussion of the exempted classes by assuring his listeners that he would "take pleasure in recommending to the favorable consideration of the President all who [were] truly penitent and [gave] good evidence of determination to be good citizens in the future."³⁷

The next topic, that of governmental policy regarding the sale of confiscated property, was of vital interest to the Jacksonville audience, for a sizeable portion of the city was earmarked for public auction within the next fourteen days.³⁸ Marvin developed the point by employing a problem-solution sequence.

³⁶Fourteen classes were exempted from the pardon extended in the presidential proclamation of May 29, 1865. See Richardson, Messages and Papers of the Presidents, VI, 310-312. For an interesting account of how special pardons were obtained, see J. T. Dorris, "Pardoning the Leaders of the Confederacy," Mississippi Valley Historical Review, XV (June, 1928), 3-21.

³⁷Marvin played a significant part in helping to secure presidential pardon for several ex-Confederate leaders. "It was a part of my duties to advise the President touching his granting of pardons; he required petitions for pardons to be approved by the Provisional Governors, before being presented to him. In this way, it turned out that I was called upon to recommend and did recommend for pardon several men who in their fiery zeal for Secession before the war broke out, had threatened to hang me if they should catch me in the piney woods. . . . Governor Allison and ex-Senators Yulee & Mallory were old friends and I very gladly recommended to the President their pardon. Allison was discharged from prison on my application." Kearney, "Autobiography of William Marvin," p. 218.

³⁸On August 5, 1861, Congress levied a direct tax on real estate in all the states. Of the total of \$20,000,000, some \$77,522 was apportioned to Florida. On June 7, 1862, a second law was passed authorizing the collection of the direct tax in insurrectionary districts. Tallahassee Tri-Weekly Florida Sentinel, January 20, 1866. The 1862 law provided "that the commissioners appointed under it should assess Southern lands, and through advertisement notify the absentee owners of the taxes due; should such payments not be forthcoming, the Commission might sell

Beginning with a review of the problem, he declared:

While the war was still raging, and many of the inhabitants of this part of the State were within the rebel lines, a District Court of the United States was held at St. Augustine, then and now occupied by Union troops, and a large number of decrees of confiscation of lands and houses were entered up in the absence of the owners and without their appearing. They were, in many, and perhaps most instances, in the rebel country, where, perhaps, they ought not to have been, but where they, in fact, were. The owners of these lands and houses, in many instances, are now as well disposed to become loyal and good citizens as any in the state. Since these decrees were passed they have been embraced within the Amnesty Proclamation. Under these circumstances, it appeared desirable, that they should have an opportunity to be heard--that the sales advertised for the 17th of August should be suspended, and the decrees opened, and the owners allowed to make such explanation, and set up such defences as they should be advised by their counsel are proper to be made--in other words, that they should have a full hearing on the merits--and plead their pardons, if such plea should be deemed admissible in their cases.

Marvin, apparently cognizant of the situation while still in New York, had communicated with the Attorney General of the United States, and was prepared to announce the remedy offered by him.

His answer was . . . prompt, so read, as to give full assurances that the Government at Washington, does not desire to confiscate any person's lands without giving him every possible opportunity to be heard. The Attorney General ordered the sales to be suspended until the further [orders] of the department, and he directed the District Attorney to consent to the opening of the decrees in these cases. By means of these orders, time and opportunity is now given to the owners, after the country is quieted, to

at auction to highest bidders the plots or tracts." George W. Smith, "Carpetbag Imperialism in Florida, 1862-1868," Florida Historical Quarterly, XXVII (October, 1948), 112. In accordance with these laws, "a large part of Jacksonville" was to be auctioned off on August 17, 1865. Special correspondence of the New York Tribune, dated at Jacksonville, August 4, 1865; in Jacksonville Weekly Florida Union, August 19, 1865.

cast about, look up their testimony, take advice and counsel, and see what defence they can make.

The action of the Attorney-General, declared Marvin, was proof of the government's policy of clemency. The audience was urged to accept the action "as an omen of good--the olive branch held out by the civil authorities to all persons who are . . . sincerely willing to do right, however much they may have erred in the past."

After thus strengthening his ethos with the audience the speaker was prepared to deal with an important condition of reunion, the abolition of slavery. "With the fall of the Confederacy, its corner stone crumbled to dust, and the winds have scattered it. The war which was commenced, among other reasons, for perpetuating the black man's bondage . . . in the providence of God, brought him freedom. He can never be enslaved again. (A great shout among the colored people)." The constitution which the people would be called upon to form would have to "recognize the order of things and secure freedom to all alike."³⁹ With this

³⁹Marvin's discussion of slavery was probably directed at both the immediate and remote audiences. The Jacksonville audience had been aware of emancipation since February, 1864, or earlier. While the speaker probably sought to stress the fact of freedom for the benefit of the remote, or general Florida audience, through the medium of the press.

The very fact that slavery was a dead issue needed emphasis. Some ex-Confederates adamantly refused to recognize the validity of Lincoln's Emancipation Proclamation. For example, Sears wrote Yulee: "I notice . . . one or two of the most intelligent men in this county proclaiming that the new constitution must not recognize the validity of the war Measures liberating slaves.

"Judge Stewart is one of these; intensely bitter against Prest. Lincoln for the Emancipation order and declaring that it is not to be submitted to. Such a man may do much harm by such a course, because he is an upright intelligent citizen. But how worse than useless the combat!" Alfred L. Sears to David L. Yulee, Fernandina, August 15, 1865, Yulee Papers.

done there would be "nothing to hinder a restoration of our constitutional relationship with the general government. . . ." Actual restoration would be "through a convention to be called at no distant day to alter or amend the State constitution." All were urged to lose no time "in becoming qualified to vote for members of the convention."⁴⁰

The next point clarified was that, until civil government was restored, the preservation of peace and order would "continue in the hands of [the] military authoritis" [sic]. Some would ask: "Why don't you assume control at once of the civil administration as we prefer civil rule?" Marvin answered that he had "no authority to resuscitate the civil authorities or to appoint any one to office beyond what is necessary to the calling of a convention. My business is to assist you in organizing a government. I trust you will cheerfully acquiesce in this arrangement."

In the exposition of his final point, the speaker strove for emphasis by addressing the races individually. Florida was entering upon

⁴⁰ Marvin set forth the qualifications of voters in his written address of August 3, 1865: "The persons qualified to vote at such election of delegates and the persons eligible as members of such convention, will be such persons as shall have previously taken and subscribed to the oath of amnesty as set forth in the President's Proclamation of May 29th, . . . and as are also qualified as prescribed by the constitution and laws of the State in force immediately before the 11th day of January 1861, the date of the so called ordinance of secession. Where the person is excepted from the benefits of the amnesty proclamation, he must also have been previously specially pardoned by the President before he can become a qualified voter or eligible as a member of the Convention. This interpretation of the two proclamations of the President I received from himself in person, and also from the Attorney General." For the text of the address, see Gainesville Weekly New Era, August 12, 1865, or Jacksonville Weekly Florida Union, August 5, 1865.

a new career; her success would depend on a "good understanding" between the races.

Marvin first exhorted his white audience to adopt a humanitarian attitude toward the Negro. "Some persons," he affirmed, "disappointed and vexed, will not have any faith in the colored man."

They will not think of him with pleasure, now that he has become free. They have no anxiety to see him socially and morally elevated because they have no faith in his capabilities. Let me say in all plainness [sic] to such, try him. Give him a fair chance. Teach and encourage him. Your happiness and prosperity are now inseparably [sic] connected with the welfare of this people. . . . They cannot remain in a stationary condition. Their movement must be upwards or they will become, in many cases, the veriest vagabonds, and rest like an incubus upon the country. In many respects the white man is superior to the colored man [italics mine] and his responsibility is correspondingly increased. We want the colored people here. In their muscles and sinews the State has immense wealth; but that they may be made available we must treat them kindly. . . .

The Negro audience, in turn, was called upon to play its part in adjusting to the new order of things and to recognize the difficult adjustments incumbent upon the white people. The orator's admonitions to his colored listeners were clothed in simple language.

And you, my colored friends, must not be idle or lazy. Labor is the law which God has imposed upon us all. I have been and expect to be one of the most laborious men in Florida. If you are respectful to all and industrious, you will be protected by the law in the enjoyment of all the rights of humanity. You must keep away from taverns and try to educate your children in the fear of the Lord. Send them to the Sunday school. The white man, too, must school himself to this new order of things. His responsibilities and duties are of the most imrious [sic] character. He must meet them like a hero, or the worst of consequences will follow to himself and family.

All bore a heavy burden of responsibility. "Schools must be established

over the land." Missionaries and teachers must be sent out "from among yourselves. . . ." Promotion of the "intelligence, virtue, and general elevation of all the people of the State" was a common task. Ministers of the Gospel, in particular, had an awful responsibility in attempting to promote "peace on earth and good will to men."

Having urged the Negro, white man, minister, teacher, and statesman to accept their appointed tasks, Marvin was ready to close. In his peroration he again stressed the theme of acquiescence, counseling a willing acceptance of the decisions of Providence. The future of the state, he said, rested on the shoulders of the individual citizen.

Let every man, woman and child throughout the State cease to murmur [sic] or complain against the dispensations of Providence, but cheerfully and hopefully accept the new order of things, as coming from Him whose ways are not as man's thoughts. There is a bright prospect in the future for our beautiful State. The rainbow of promise is seen in the dissolving clouds. Let each man do his own duty and God will bless us.⁴¹

Editorial reactions to the speech were complimentary. The New Era regarded Marvin's "written address to the people," of August 3, and the Jacksonville speech as "two very important documents." When studied together, they gave "a clear conception of the Governor's views upon the past, present, and future."⁴² The Florida Union said that the discourse

⁴¹For an account of Marvin's speech, see Gainesville Weekly New Era, August 12, 1865.

⁴²Ibid. Following his evaluation of Marvin's speech, the editor urged all to take an active interest in the reorganization process. While it was generally agreed that the coming state convention would be an "important era," there were some who treated "the matter with great indifference. It is not . . . because they do not, in heart, feel a deep interest in the State and the welfare and happiness of the people, but

made available "a full definition of the 'Governor's policy'." It hailed Marvin as one who "knows the condition and wants of the people." The fact "that it was mainly through his efforts that the Government . . . ordered a suspension of all proceedings under the Confiscation Act," would not lessen the respect and estimation in which he was held. In short, the Provisional Governor had come to point the way and manner by which the people of Florida could "reestablish their civil government and renew their constitutional relations with their sister States in the Union." This gave the "press of Florida . . . a community of interests, a common end and object to labor for . . ." ⁴³

The Unionists or Loyalists in East Florida also reacted favorably to Marvin's explanation of Johnson's policy. ⁴⁴ Men of this persuasion had met several times during the war, under the protection of the federal military, to organize a loyal state government, but their efforts had been repeatedly thwarted by the frequent withdrawal of federal forces. ⁴⁵ Now that Florida was safely in the hands of the

from the fact that they labor under mental desperation. They have given up all hopes for prosperity in the future. We should be up and doing. . . ."

⁴³Jacksonville Weekly Florida Union, August 5, 1865.

⁴⁴Sears, the Union officer who had addressed the "Loyal citizens" at King's Ferry, wrote Yulee: "There are in town one or two copies of Marvin's address at Jacksonville on his way to Tallahassee. All Unionists like it much." Alfred L. Sears to David L. Yulee, Fernandina, August 15, 1865, Yulee Papers.

⁴⁵In March of 1862, a group of Jacksonville Unionists attempted "loyal political reorganization." In 1863, Unionist political rallies were held in Saint Augustine and Fernandina. Perhaps the most formidable Unionist attempt at political reorganization took place in Jacksonville

federal military the Unionists could look forward to organizing a new state government. Marvin's Jacksonville speech, in short, marked for them the beginning of an era filled with the promise of public office.

Speech of William Marvin at Quincy

Governor Marvin performed many labors between speeches. He had to interview pardon seekers, confer with military authorities and agents of the Freedmen's Bureau, and draft proclamations to inform the citizenry of the mechanics of presidential Reconstruction. He realized, however, the importance of supplementing actions and written instructions with the spoken word in areas where emancipation was still a novelty and southern mores a deeply ingrained pattern of thought. His extant speeches indicate that he concentrated on the "black arc" counties.

Marvin visited Quincy early in September, and remained for a time as the guest of Charles H. DuPont. On September 4, he consulted with the citizens to determine "for himself, the spirit and temper of the people. . . ."⁴⁶ On the following morning an audience composed entirely of white persons assembled to hear him speak.⁴⁷

in 1864. This movement allegedly stemmed from Lincoln's scheme to reconstruct Florida for the purpose of acquiring the state's electoral votes in 1864. The project, however, is said to have failed because the Unionists in Florida were few in number and divided politically. Davis, The Civil War and Reconstruction in Florida, pp. 250-255.

⁴⁶Quincy Semi-Weekly Commonwealth, in Jacksonville Weekly Florida Union, September 16, 1865.

⁴⁷Quincy, located just north and west of Tallahassee in the "black arc" area, remained free from federal attack or occupation during the war, a fact which meant that southern customs, for the most part, had not been disturbed. This probably explains why Marvin spoke to the white

"After being handsomely introduced by Judge DuPont, the Governor stepped forward, dressed cap a pie in white, and certainly the personnel [sic] of His Excellency was inviting." His opening remarks resembled those used at Jacksonville. Again, the aim was to establish common ground with his audience. He began:

FELLOW CITIZENS: I am happy to meet so many of you this morning, and, beneath the shade of this grove, discuss the great questions which at this time are of such overwhelming interest to the State. Though not a native of Florida, my youth and the pride of my manhood have been spent among you. I have sorrowed in your sorrow, and your happiness has been, and still is, mine. I am willing, in this emergency, to do my full share of labor to restore to our beautiful country more than its ancient prosperity.

Some of the questions Marvin thought worthy of discussion were: the status of Florida as a state; the matters which must be recognized in the new state constitution; and the folly of resistance to federal domination.

Florida's political status, he began, was a matter that required clarification. Was Florida a state, and if so, what was its relation to the Union? Two points were advanced in answering this question.

First, as a consequence of the fall of the Confederacy, Florida's state government, "which had been identified with it, and supported it, . . . went down to ruin among the general ruin which overwhelmed the

people on September 5, and to the freedmen on Sunday, September 10. He did not wish to offend the sensibilities of the white people or interfere with plantation routine by calling the freedmen from the fields on a working day. The speaker's choice of Sunday as the best time to speak to the freedmen, moreover, is an integral part of the rhetoric of the freedom speech which is described in the next chapter.

States of the South." Floridians were without "a government of any kind," and remained in a condition of "anarchy" and "confusion" until the general government "extended" martial law "over the State."

Second, although a state in the Union, Florida could not resume its normal relations with the general government until a new state government had been organized in accordance with "the new order of things." Marvin's explanation of this point provided a summary of President Johnson's philosophy of Reconstruction, and a statement of its application to Florida.

After much discussion by the best and soundest thinkers in the nation, the question has been settled with much unanimity, that the secession of a State is an impossibility. A rebellion cannot be a success, unless it amounts to a revolution, affecting alike all sections of the country. The very soil embraced within the American Republic scorns to receive the impress of but one government at the same time. It follows that Florida has never ceased to be a State in the Union--but she has been a State in rebellion, and, by her acts, has destroyed her State Government, and particularly the institution of slavery, which was nursed in its bosom and defended by it. She is now held by martial law in a state of tutelage, with her political rights in abeyance, and will be kept there till she organizes for herself, on a new basis, a new government.

Of immediate significance was the fact that the responsibility for the organization of this "new government," and the consequent re-establishment of civil authority, rested with the people, not the provisional governor. While thus delimiting his own authority, Marvin strove to motivate his listeners to play an active part in the business of Reconstruction. He declared: "I am here to open the way and assist you in this delicate and urgent business. I am not authorized to establish, by appointment, civil authority myself--that is pre-eminently

your work, and martial law will prevail till you take it in hand and accomplish it."

Such a declaration naturally led to a discussion of the work to be done. Marvin assumed that the audience had seen his "proclamation ordering an election on the 10th of October, and a meeting of delegates on the 25th. . . ."⁴⁸ Although the subject might, perhaps, be left without further comment, Marvin, "being able . . . to look over the whole ground," felt duty bound "to call . . . attention to a few matters which must characterize the Constitution to be framed." These were: (1) freedom for all; (2) the equality of the Negro before the law; (3) the incorporation of the Thirteenth Amendment into the state constitution; and (4) the admission of the Negro as a witness in the courts. Such revolutionary proposals required a careful explanation for the "black arc" audience.

"The future Constitution of Florida must guarantee freedom alike to all; it must not be black or white, but FREE!" This guarantee, declared the speaker, was necessary for two reasons. First, the institution of slavery had ceased to exist. Any attempt to revive it would be fruitless. Second, if slavery continued, Floridians would live under a constant threat of Negro insurrection. It was well, in Marvin's judgment, that slavery had "passed away forever."

⁴⁸Issued on August 23, the proclamation set forth qualifications for voting and membership in the convention; outlined the procedure for taking the amnesty oath; made provision for the conduct of the election; and directed that the convention 'provide, by a schedule, for the election of a Governor and General Assembly, and for the reorganization of a permanent State government.'" Gainesville Weekly New Era, September 2, 1865; Jacksonville Weekly Florida Union, September 2, 1865.

Supposing the institution remained, and the 150,000 colored troops, who have been thoroughly drilled in the use of arms, and instructed in the rights of freemen, and who have exhibited on many a bloody field, and in the storming of batteries, a steadiness and a courage equal to that of the white man, were turned loose among us, how long would that institution last, or whose life or property would be secure? In that case, slavery would disappear in carnage and in rivers of blood. Thank God, the thing is out of the way and we are safe!

Next, "as citizens, before the law, the freedmen must be in all respects our equals." Marvin did not believe "that as a race they are or can be made during many generations, if ever, the equals PERSONALLY of the Caucasian race, or can enjoy the same political or social position," but this did not constitute a "reason why Constitution or law should discriminate against them." To be sure, the right of suffrage did not "necessarily follow, for that is not a natural, but a political right, which may be granted or with-held, as sound policy may dictate." The Negro, then, was to be the equal of the white, but this equality was restricted to the legal realm.⁴⁹

The third obligation was the incorporation of the Thirteenth Amendment into the state constitution, and its ultimate adoption by the

⁴⁹The demand for legal equality probably seemed reasonable, so long as the political and social supremacy of the whites received unqualified acknowledgment. Marvin's statement of the issue differed only slightly from an editorial appearing in the Gainesville Weekly New Era of August 19, 1865. The New Era editorialized: "We are bound to treat the negroes as freemen. We are, and always will be the superior race. We shall continue to rule politically. They have and always will have, the protection of law." After hearing, or reading, the Quincy speech, Mrs. Yulce wrote her husband: "How do you like Gov [sic] Marvin's speech at Quincy? I am satisfied with securing the Negroes their civil rights. They ought to be protected from injustice, but they are incapable of the right of suffrage." Nannie C. Yulce to David L. Yulce, Wickland, October 3, 1865, Yulce Papers.

legislature.⁵⁰ If the people were in earnest in recognizing the complete freedom of the blacks, and in perpetuating that freedom, public opinion would not be a deterrent to the incorporation of the amendment. Of more importance, however, was the consideration "that the Government . . . be convinced that we are acting in good faith in framing a Constitution." Were there any objections to the amendment? The speaker had heard two. Some believed its adoption would be "assenting to abolition," and these persons preferred having that measure forced upon them. Marvin countered: "Very well, it is forced upon you by Government, and by accomplished facts and you must consent to it or you are a belligerent [*sic*]." Florida's consent had to go "on record in the most formal, solemn and binding manner, as a condition precedent to peace and a restoration of State rights." A second objection was: "We are unwilling to impose abolition upon others." Again, the answer was direct:

You do no such thing. Congress demands this of all the late insurgent States. Six of them have already complied with the demand. In so doing, they acted simply for themselves. Let Florida frame a free Constitution, adopt the amendment, and you give evidence to the world that you are taking steps which neither you nor your posterity can retrace, and you prepare the way for admission into the great sisterhood of States.

A final requirement was "that persons of color . . . be admitted as witnesses in all our Courts of civil jurisprudence." Because of

⁵⁰ Marvin explained that the Thirteenth Amendment "prohibits slavery or involuntary servitude, except when the party has been duly convicted of crime, by due process of law. . . ." The amendment also granted the "United States the power to enforce this provision." Formal ratification was a function of the state legislature, but Marvin was of the opinion that the incorporation of the language of the amendment into the state constitution would serve to demonstrate the good faith of the Florida convention.

personal conviction and a knowledge of the audience's prejudices regarding Negro testimony, Marvin was prepared to argue at length in favor of this policy. "I am aware that this is a hard doctrine to many," he said, "but it is not, and never was such to me."

Some believed "the negro constitutionally a liar--that falsehood is marrow in his bones, and that it circulates in his blood." This was a slander on God and man. Thirty years in the South had convinced Marvin "that the slave. . . often told the truth, whilst the master . . . lied." Some might perjure themselves, but "who does not know that every Court room is the theatre of more or less false swearing?" A wise Providence seldom permits a perversion of justice by false witnesses. "Perjury is such a monster--that the hissing of their tongues makes a sort of Babel of the witnesses' stand, warring with each other and with reason, and with a thousand circumstances which surround, reveal and guard the truth."

Marvin next called on personal experience to prove that in the past some guilty persons had gone unpunished because the Negro was not able to testify. "Many are the instances in which I have known guilty parties to go unwhipped of justice because colored people could not come into the Court. . . ." Their admission as witnesses "would have given the State's prison or the gallows its due, and relieved society of . . . dangerous characters." "I have," said Marvin, "much feeling upon this subject, because the impressive and painful lessons of years crowd in upon my memory."

The proposal to admit Negroes as witnesses gained further

justification from precedent. The audience knew "that the menial classes of all nations are permitted to appear in Court and testify, and that in some instances Lords and nobles have been sent to the gallows on the evidence of house servants." The Negroes were "as well qualified to testify as they."

If the Negroes were barred from the courtroom, they would have little chance for justice. "The Government and the world are aware of this." In all probability Congress would not regard Florida's constitution "as republican in form, or calculated to secure the ends of justice to all citizens, unless the negro is permitted to come into Court as a witness." If the convention denied the Negro this right, and Congress rejected the constitution on that account, the speaker would "acquiesce in the justice of the decision."

Marvin concluded his arguments on Negro testimony by urging his audience "to make a clean breast of this whole business, [to] do full justice to the negro, though he is of an inferior race," and thereby "remove the whole subject growing out of his slavery, emancipation and status, from the theatre of politics." Two years' residence in the North provided sufficient proof of the wisdom of such a course. While there was no "unkind feeling . . . among any class, a stern determination exists everywhere that slavery, in all its forms and phases, shall be buried so eternally deep, that it will know no resurrection." All were determined "that the elements which enter into the foundation of our Government shall be of universal application, making us a happy and powerful people."

Having told his listeners that a reorganization of the state government would be necessary and the constitution would have to reflect the changed condition of affairs, the speaker depicted the might of the North and the nation as a means of prompting them to acquiesce in defeat.

What is our condition? Florida has suffered many losses. "Our property lies ruined and scattered in the wide sweeping and bloody paths of war." The ruin wrought here was, however, but one view of the case. "The suffering has not all fallen to your lot. The sacred remains of 200,090 Northmen [sic] lie buried in Southern graves!" Such heroism "touches the chivalrous feelings of the South, and teaches us that we were conquered, not by menials or cowards, but by foemen worthy of our steel." This was the lesson of the war, and it contained implications for the future. Although the conquered and the conqueror alike sustained great losses, the muscle and fiber of northern men were not to be underestimated.

Their wealth and resources have astonished the nations of the earth, as well as ourselves, and let me say to you that the North is so firmly fixed in its position that the conflict of the last four years, calling to the field a million and a half of men and spending money in proportion, has had but the slightest effect upon either business or society; and the Government was never so strong in men, resources and the affections of the people, as when the war closed. -- At the time of Lee's surrender, Grant had under his command 800,000 men, and could have held every position he occupied, and concentrated at any given point 500,000 of his veteran troops.

The wonder was "not that you were conquered, but that you were able to hold out so long against such fearful odds." Moreover, the implications

were clear. "The Southern people are brave as the bravest; but it is folly for them to think that one is a match for ten of the same blood, and each as brave as himself."

What was true of the North was true of the nation. "The United States was never so powerful. . . ." Not even in the midst of war, "when you seemed to be a full match for the Great Republic, did France and England combined dare to insult the old flag. Their sympathies were with you, but they dared not make them of any practical value, and now both nations are ready to get down on their marrow-bones at her bidding!" Floridians formed a part of a "great, powerful and honored Republic," and could "share in its glory."

The Quincy audience heard Marvin climax his effort with the prediction that they would be numbered among the staunchest of Americans. "When a few years shall have passed away, and the exasperations of the present are healed, none will be prouder than yourselves to say, 'I AM AN AMERICAN CITIZEN!'"⁵¹

The Democratic Commonwealth, Quincy's only newspaper at the time, did not comment on the Marvin speech itself, but judging from its reaction to his visit to Quincy, the speech must have been well received.

⁵¹For the complete text of Marvin's Quincy speech, see Jacksonville Weekly Herald, September 15, 1865. The editor prefaced the speech text with some facts relative to its authenticity. He noted: "We have been kindly furnished by a gentleman who was present, with a copy of the speech delivered by Gov. Marvin, on the 5th inst., at Quincy. It is proper for us to say that the Governor was not aware that the speech was preserved, and that there has been no opportunity of presenting it to him for revision or correction. But we have no doubt that he will see in it a very correct likeness of himself as he appeared on that occasion, so far as the Living Orator can be transferred to print."

The Commonwealth editorialized: "His conciliatory and considerate policy commends him warmly to the people of Florida."⁵²

It is this type of reaction that suggests that as Marvin paved the way for political reunion during the pre-convention period, he earned the respect of Loyalists and revolutionists alike. As the Jacksonville Times, a Republican paper that supported Florida's Loyalists, put it, Marvin had through "his good sense, his high character, [and] his impartiality not only made himself a favorite throughout the State, but by prudence and skill [had] exercised a happy, and . . . a lasting influence upon its welfare. . . ."⁵³

The Provisional Governor's preconvention speeches to the white people also received a favorable press in the North. In the opinion of Benjamin C. Truman, a special correspondent for the New York Times, Marvin in his tour of the "most important places" in Middle and Eastern Florida had taken the "'bull by the horns,' to the great consternation of narrow-minded politicians, and to the disgust of the 'crackers' and the ignorant masses generally. . . ." He had effectively "explained to the people the policy of the President, and what was expected of them."⁵⁴

⁵² Quincy Semi-Weekly Commonwealth in Jacksonville Weekly Florida Union, September 16, 1865.

⁵³ Jacksonville Weekly Florida Times, December 7, 1865.

⁵⁴ Report of Benjamin C. Truman, dated at Tallahassee, December 7, 1865, in New York Times, December 25, 1865.

The Rhetoric

When William Marvin accepted his appointment as provisional governor, he accepted the responsibility of preparing Florida for a resumption of its normal relations with the federal government. Political reunion under the President's plan became Marvin's personal goal and the goal of those who were to join him in producing a rhetoric of reunion.

After considering the problems involved in accomplishing this objective, Marvin realized that reunion hinged on the attainment of three intermediate goals: (1) getting the people of Florida to accept the President's terms of reunion, (2) creating a stable economic and social climate in which the political adjustments could take place, and (3) getting the people to carry out the necessary acts and procedures. The first end was the object of a rhetoric of acquiescence. The third goal was the object of a rhetoric of adjustment, and the second goal was a common aim of both rhetorics.

Because he was familiar with conditions in the state, Marvin realized that the attainment of the first goal, getting Floridians to accept the President's terms of reunion, was a problem of persuasion. Had President Johnson wanted to impose a set of terms on a conquered people, he could have written out a military order. Because he believed however, that neither the war nor the victory of the North had impaired or voided state rights, this was not the course he followed. His plan of Reconstruction called for acquiescence in certain demands, but, at the same time, provided that the actual process of adjustment be carried

out by the people themselves within the framework of the democratic process. If the people were willing to accept the settlement, they would co-operate by taking the amnesty oath, by electing delegates to a constitutional convention, and by electing officers for a new state government. If they were not willing to cooperate, they could reject the settlement simply by staying away from the polls.

Knowing that the primary objective of the pre-convention period would be to persuade the people to accept the President's terms of reunion was one thing; working out a rhetorical strategy that would accomplish this end was yet another. Who would favor the President's terms of reunion? Who would oppose them, and on what grounds? How many would be opposed, and what would be the extent of audience hostility? Was there anything about the terms of reunion that might appeal to certain audience desires, attitudes, or prejudices?

Marvin realized, first of all, that the white people who were to be the agents of political adjustment made up two distinct classes, according to their background: Loyalists and revolutionists. The Loyalists, men who had not supported secession or the Confederacy, he believed, could be counted on to support the President's plan of reunion. But there were not enough such men to reconstruct the state, for most Floridians had been revolutionists who had either supported secession or the Confederacy, or both.

Insight acquired from personal contact with the revolutionists ruled out any false notions the speaker might have had regarding this class. Many of them, Marvin knew, harbored beliefs and attitudes that

were at odds with his purpose. In 1861, he had witnessed the fervor of the secessionists,⁵⁵ and during the first years of the war and on his return to Florida in 1865, he had come face to face with the bitterness resulting from the loss of loved ones killed in the conflict. Marvin also expected hostility from the planters and from property owners who had been impoverished by war and defeat.

Further analysis, however, brought to light certain potential avenues of persuasion. Marvin knew, for example, that southerners were a proud people, that they wanted civil rule restored as quickly as possible, and that perhaps more than anything else, they were interested in the preservation of white supremacy. It was this sort of analysis that provided basic clues that ultimately lead to the strategy of his rhetoric of acquiescence.

Marvin used this strategy in his pre-convention speeches when he called for acquiescence in the President's terms of reunion on the grounds: (1) that what was demanded was nothing more than formal recognition of fait accompli, (2) that equality for the freedmen was not required, and (3) that acquiescence was the only logical course for a conquered people.

The Provisional Governor appealed to the logical judgment of his

⁵⁵In 1860, Marvin had been elected as a Unionist delegate to the secession convention but was "counted out." His opponents in Key West denounced him as a traitor to the state, and two Marion County delegates boasted to the convention in Tallahassee that they would hang Marvin if they caught him in the "piney woods." "If I had gone into the interior of the State at that time," Marvin told a New York reporter, "it would have been at the risk of my life, undoubtedly." Syracuse Sunday Herald, March 5, 1899.

listeners when he pointed out that what the President demanded was formal recognition of accomplished facts. What Marvin said of slavery at Jacksonville, for example, also applied to the Confederate debt and to the whole history of secession. The cornerstone of slavery had "crumbled to dust" at Appomattox and "the winds [had] scattered it." Floridians would be forced to acknowledge this fact when they wrote a new state constitution. When Marvin told the people of Quincy that Florida would have to ratify the Thirteenth Amendment he carefully explained that they would not be "assenting to abolition"; it was being forced on them by "accomplished facts."

Viewed in this light, the President's demands were not unrealistic. In fact, under the circumstances, they were reasonable. What made them acceptable, however, stemmed from a full realization of what was not being demanded. By emphasizing that the President had not made Negro suffrage a condition of reunion, Marvin made the conditions that were being required appear more favorable. An appeal to the basic wants, beliefs, or prejudices of the audience--to the southerner's desire for white supremacy--became the "sugar coating" of the rhetoric of acquiescence.⁵⁶

In his Jacksonville speech, the Provisional Governor asked the white people to give the freedmen a fair chance. Because "the white man [was] superior to the colored man," it was his responsibility to look to the welfare of the freedmen. His written address to the people of Flor-

⁵⁶For an historical interpretation of the significance of the theme of white supremacy in southern society, see Ulrich B. Phillips, "The Central Theme of Southern History," The American Historical Review, XXXIV (October, 1928), 30-43.

ida, released to the press the day before, however, made clear that whether this responsibility included the conferring of suffrage was "an open question"--one that would be left to the decision of the constitutional convention. In the heart of the "black arc" at Quincy, Marvin left no margin for doubt regarding what was and what was not demanded. Slavery was dead. It had "passed away forever." So far as law was concerned the freedman was now the equal of the white. Suffrage, on the other hand, did not "necessarily follow." It was not a natural right, "but a political right, which may be granted or with-held [sic] as sound policy may dictate." Leaving nothing to inference and making no attempt to shield the central appeal of acquiescence, Marvin declared that he did not believe "that as a race [Negroes were or could] be made during many generations, if ever, the equals PERSONALLY of the Caucasian race, or [could] enjoy the same political or social position. . . ."

After minimizing what was demanded and emphasizing what was not demanded, Marvin clinched his appeal for acquiescence in the President's terms of reunion by fostering a general attitude of resignation. To refuse to acquiesce in defeat would be sheer folly. The Jacksonville audience was told not to "murmur or complain against the dispensations of Providence, but [to] cheerfully and hopefully accept the new order of things, as coming from Him whose ways are not as man's thoughts." The white people of Quincy were tactfully but candidly told that acquiescence in defeat was their only logical course. "The Southern people are [as] brave as the bravest," he had declared; "but it [would be] folly for them to think that one is a match for ten of the same blood,

and each as brave as himself."

If a revolutionist who had heard the Provisional Governor had to tell another what he had heard, he would probably have explained: (1) Actually the President only wants us to acknowledge what has already been accomplished; (2) He is not asking us to accept the freedmen as political or social equals; (3) Since there is no doubt about the fact we have been licked, resistance is out of the question. The conclusion? The only logical thing to do is to acquiesce in the President's terms of reunion.

This was the core of the strategy of acquiescence, but the rhetoric of acquiescence as a whole embodied other characteristics. Aside from the basic strategy evolved from an analysis of the subject and audience, and in addition to the persuasive effect of a general pattern of arrangement that placed a discussion of what had to be done first, and what did not have to be done second--a technique that was consistently used whenever the speaker took up the question of the Negro's status--the rhetoric of acquiescence was also made up of a judicious combination of ethical, logical, and pathetic appeals, language that suggested impartiality yet reflected personal interest, and data that were exaggerated to carry a point.

Marvin's use of logical and pathetic proofs was by no means limited to the basic strategy of acquiescence. Proofs of this type, along with ethical appeals, were often used to create positive audience attitudes and to gain belief on points that were subordinate to the basic strategy.

The Provisional Governor always began his talks to the revolutionists by establishing his ethos; that is, he worked for the respect and good will of his audience. He told the people in Jacksonville that he had a right to speak to them because the President had appointed him to assist in the work of Reconstruction. A common ground appeal--a rhetorical device whereby a speaker identifies himself with a hostile audience through positive reference to their cherished attitudes or beliefs--was also used to win good will. At Jacksonville, Marvin explained that Florida's prosperity and happiness were inseparable from his own. At Quincy, he declared: "I have sorrowed in your sorrow, and your happiness has been, and still is mine."

Logical and pathetic appeals were combined to make the abolition of slavery appear less odious when the speaker pointed out that if the institution were to remain, it would ultimately be overthrown by the Negroes who had been trained in the skills of war. Appealing to the southerner's fear of Negro insurrection, Marvin told the revolutionists in Quincy that it was a good thing slavery was "out of the way." This was preferable to having it "disappear in carnage and in rivers of blood."

Ethical and logical proofs were blended to create a favorable attitude toward the federal government. At Jacksonville, Marvin contended that the "majesty and might" of the federal government were no greater than its "clemency and mercy." Some revolutionists whose property had been confiscated during the war might question such a statement, but confiscation was a war measure. The "so-called Confederate Government"

had confiscated Union property during the war. Hence, there was nothing unreasonable about the federal government's policy of confiscating the property of revolutionists. Proof of the government's clemency, moreover, could be found in United States Attorney General James Speed's order that the sale of confiscated property be suspended until the owners had had an opportunity to establish their loyalty or prepare a proper defense.

The Floridian's desire for self-rule was consistently exploited as an incentive for acquiescence in the presidential terms. This sort of appeal came at the beginning of the Quincy speech. After identifying himself with the audience and characterizing the plight of the people, Marvin candidly announced that Florida would remain "in a state of tutelage, with her political rights in abeyance, . . . till she organizes for herself, . . . a new government." The same "spring of response" was tapped at Jacksonville when Marvin made it clear that the military would continue to rule until the people had taken matters in hand and had worked out their own redemption.

Marvin's use of language was another important part of the rhetoric of acquiescence. His matter-of-fact statements regarding what had to be done and his candid declarations regarding the finality of defeat and the end of the Confederacy gave the revolutionists a clear picture of his position and, at the same time, made a favorable impression on the loyalists. Marvin's style as a whole, rather than any particular thing he said, placed a premium on loyalty to the Union and yet possessed an undertone of respect for Confederate heroism.

Marvin's use of personal pronouns was a technique that helped him stay on common ground with his listeners. He subordinated his status as provisional governor and created the impression that one Floridian was talking over a problem with another when he spoke in terms of restoring "our" constitutional relationship with the general government. "We" are helpless, was one of the statements used to characterize the condition of Florida's people. At Jacksonville he called upon each man to do his part in preparing Florida for reunion. "Let each man do his own duty," he declared, "and God will bless us."

On at least one occasion, Marvin's sincere desire to persuade the revolutionists to accept defeat and acquiesce in the presidential terms of reunion caused him to commit the error of overstatement. While depicting the might of the North in order to foster an attitude of resignation, in his speech at Quincy he exaggerated when he credited General Grant with the almost incredible feat of being able in April of 1865 to concentrate 500,000 of his troops "at any given point."

Marvin's speeches to the revolutionists did not constitute the whole of the rhetoric of acquiescence. Circumstances were such that he found it necessary to speak to the freedmen and, as we shall see, these speeches were not only linked with economic and social problems, but constituted an integral part of the rhetoric of acquiescence.

CHAPTER III

SPEAKING TO THE FREEDMEN DURING THE PRECONVENTION PERIOD: A RHETORIC OF ACQUIESCENCE

The Scene

William Marvin realized that getting the revolutionists to acquiesce in the President's terms of Reconstruction was only part of his job in preparing Florida for a resumption of its normal relations with the federal government. He knew that the creation of a new state government, and for that matter reunion itself, could not be accomplished without the permissive atmosphere of a stable economy and a peaceful society. Firsthand experience with life as it had been in ante bellum Florida, moreover, had taught Marvin that the tranquility and the economic stability of Florida's new social order would depend on the degree of harmony that could be established between a people who had only recently been half-slave and half-free,¹ and on the rapidity with which the ex-slave could adjust to his new status as a free laborer.

¹The census of 1860 listed Florida's population as 140,424--77,747 white, 932 free colored, and 61,745 slaves. Population of the United States in 1860 (Washington, 1864), p. 53. The New Era cited an 1863 census in reporting that the Negro population had increased to 63,000 in 1863, and used Freedmen's Bureau reports to support the claim that the number of Negroes had soared to 100,000 in 1866. Gainesville Weekly New Era, January 27, 1866. Benjamin C. Truman, a correspondent for the New York Times, estimated that Florida's Negro population had increased by about 20,000. "Florida," he reported, "had about sixty thousand colored men within her possessions before the war, which were . . . increased to eighty thousand, about twenty thousand slaves having been sold into or urged into the State during the war from neighboring states liable to fall into Federal hands." Report of Benjamin C. Truman, dated at Tallahassee, December 9, 1865, in New York Times, December 25, 1865.

The white people, accustomed as they were to a society that had been regulated by one legal code for slaves, another for free Negroes, and a third for whites, were not experienced in the give and take so essential to racial harmony; and what aggravated the situation even more, they lacked confidence in the ex-slave's ability to function as a free laborer. This, of course, explains why both Alfred Sears and William Marvin called on the white people to accept the freedom of the slave, to be patient with him until he had learned how to live with freedom, and not to let their prejudices stand in the way of his development as a free laborer.

The freedmen, on the other hand, were ill-equipped to contribute to Florida's economic and social stability; in fact, there was a strong possibility that they would unwittingly produce economic and social chaos. This stemmed from the fact that they constituted the backbone of a labor force that was essential to an agrarian economy, and from their heritage as slaves.

The Florida Union pointed up the significance of the freedmen's role in Florida's economy when it observed in May of 1865, just after the planters had sowed the season's crop, that its cultivation would require the freedmen's undivided attention and industry. Whether the ex-slaves would stay on the plantations and tend to the crop, it continued, was a question that constituted a great "source of uneasiness," for if they neglected their work for two weeks or more, the crop would

be lost and entire counties impoverished.²

Contributing to this uneasiness was the realization that a people who had known no life but that of slavery might not believe they were free until they had had an opportunity to put that freedom to some sort of practical test. Many of the freedmen, it was feared, would settle on freedom of movement as just such a test. From slavery days, the freedman knew that if he left the plantation, he would have to have a pass. He knew that if he tried to escape, he would be pursued and, when captured, returned to his master. Accustomed as he was to the restraints of slavery, it seemed almost inevitable that he would experiment with freedom by leaving the plantation and by wandering off beyond the reach of the master to determine for himself how far he could get without pass or pursuit.³

Another concept of freedom that was harbored in the minds of many ex-slaves--one that went hand in hand with freedom of movement--was that freedom meant freedom from work, that it was a sort of continuous jubilation.⁴ Again, this kind of thinking had been shaped by the freedman's experience as a slave. His contact with free people had largely been limited to the plantation, and the thing that impressed him most about "free folks" was their leisure. Freedom in the mind of the ex-slave, explained the Florida Union, was a notion that involved

²Jacksonville Weekly Florida Union, May 27, 1865.

³Coulter, The South During Reconstruction, 1865-1877, p. 50.

⁴Ibid.

freedom from want "without the necessity of unremitting labor, . . . the practice of economy, [or] the exercise of care or forethought for the future."⁵

As ironic as it seemed, it was nonetheless true that if enough ex-slaves wandered to test their freedom, they would unwittingly strike a devastating blow against the economy that had profited from their slavery. Furthermore, because many harbored the notion that freedom was a sort of lazy man's paradise, it followed that many would become vagrants and thereby bring about even greater economic discord and compound it with social chaos.

Still another side of the freedman's nature that promised to undermine the economy, produce social unrest, and engender racial tension was his ignorance--a carry-over from the slave codes of a bygone era.⁶ The particular facet of this ignorance that complicated the freedman's adjustment as a social man and a free laborer in 1865 was his credulity. It was this aspect of his nature that prompted the Florida Union to take a dim view of the many stories that were circulating throughout Florida during the pre-convention period. "Some days," it related, "a report will travel about the country that the lands, crops and everthing [sic] is to be given to the negroes; then a report that

⁵Jacksonville Weekly Florida Union, September 9, 1865.

⁶Although some Negroes might have received private instruction, most were illiterate. Prior to 1865, it was illegal for Negroes to meet for any purpose other than work or religious services. Simkins, A History of the South, p. 126; Thelma Bates, "The Legal Status of the Negro in Florida," Florida Historical Quarterly, VI (January, 1928), 176.

the emancipation proclamation is to be null and void. To [the] darkened minds [of the freedmen]," it warned, "such stories appear as credible as official orders."⁷ The New Era made the same point, but added a touch of humor when it explained that the freedmen had lost whatever sense they had the moment the freedom horn blew.⁸

Not long after July 4, 1865, a resident of Leon County, one of seven principal "cotton producing plantation counties" in Florida,⁹ told of a warning that had come true.

Negroes from a circle of twenty or thirty miles assembled in Tallahassee on the 4th inst., with the avowed expectation of receiving a share of the property of the white people, which they had been informed would be divided among them. Though they walked this and shorter distances, they supposed they would drive home with their own carriages, or "a-horseback." And thus the poor creatures are deluded by their own bewilderment.¹⁰

Incidents such as this constituted in a sense the humorous side of the tragic comedy that evolved from the Negro's passage from slavery to freedom. The tragic part of the drama, on the other hand, stemmed from a realization of what could happen if the freedmen, who made up approximately half of the state's population, wandered to test freedom, languished in idleness, waited in ignorance for their share of the white people's property.

⁷Jacksonville Weekly Florida Union, June 24, 1865.

⁸Gainesville Weekly New Era, December 16, 1865.

⁹Williams, "Negro Slavery in Florida," p. 187.

¹⁰Long, Florida Breezes, pp. 382-383.

Under these circumstances and in the interest of the social and economic adjustments that were essential counterparts of political adjustment, it is little wonder that William Marvin made the instruction of these children of freedom a part of the rhetoric of acquiescence.

So far as the writer knows, there are two extant "freedom speeches," but since both cover the same ground, we need examine only one of them.¹¹ As we shall see, Marvin's freedom speech in Marianna, located in the heart of Florida's plantation counties, provided some basic answers to some basic questions. Are we free? What about "dis here freedom"? What is freedom? Where did it come from? Is the story about the President's plan to give us "forty acres and a mule" true, or is "[dis] a bad egg dat chicken won't hatch no how!"

The Discourse

Speech of William Marvin to the Freedmen in Marianna

As William Marvin moved from place to place in his pre-convention tour of the "black arc" counties, his activities began to take on a

¹¹Of the two extant speeches to freedmen in 1865, one at Quincy on September 10, 1865, and one at Marianna on September 17, 1865, the Marianna speech was selected because it was reported in detail. For an account of the Quincy speech, see Quincy Semi-Weekly Commonwealth, September 16, 1865, in Jacksonville Weekly Florida Union, September 30, 1865. Chaplain H. H. Moore, later appointed superintendent of education for freedmen, spoke to Negro audiences during the spring and summer months. Jacksonville Weekly Florida Union, June 24, 1865; Jacksonville Weekly Herald, August 31, 1865. Marvin talked to Monticello's Negroes in late November. The Reverend L. M. Hobbs, later named state superintendent of Negro schools, addressed the same audience a week earlier. Jacksonville Weekly Florida Times, December 7, 1865. J. C. Gardner, a Gainesville attorney and later a Freedmen's Bureau agent for Alachua County, spoke to Negroes in Gainesville on December 10, and in Micanopy on December 24, 1865. Gainesville Weekly New Era, December 16, 1865.

meaningful pattern. After his arrival in a community he would spend some time studying local conditions. A day or so later he would address the white people of the area concerning the changes they had to accept and the political settlement that had been offered by the President. The "freedom speech" came last, and for reasons connected with the ex-slave's duties as a field hand and his religious proclivities, it always came on the Sabbath.¹² When Marvin visited Quincy, for example, he arrived on September 4, spoke to the white people on the following day, and gave a "freedom speech" five days later on Sunday, September 10.

The pattern at Marianna was the same. Marvin talked to the white people on September 16,¹³ and on the following day--Sunday, September 17, 1865--spoke to the freedmen.

¹² Marvin's choice of Sunday as the best time to talk to the freedmen was influenced by two important considerations. The freedmen were needed in the cotton fields during the week, and Sunday, as had been the case in slavery days, was the customary time for leisure and Christian worship. In short, Sunday was the best day from the planter's point of view because Marvin could talk to the freedmen without interfering with the cultivation of the crop. From the speaker's point of view, Sunday was also ideal inasmuch as the ex-slave's experience with religion constituted a potential avenue of persuasion--a frame of reference which the speaker could use to clarify and support whatever ideas he wished to convey. For information on the slave's religious experience, see Ulrich B. Phillips and James D. Glunt (eds.), Florida Plantation Records from the Papers of George Noble Jones (St. Louis, 1927), p. 31; Williams, "Negro Slavery in Florida," pp. 189-190.

¹³ The writer was not able to locate the speech of September 16. A Tallahassee newspaper reported that "the Governor addressed the people of Jackson at Marianna on the 16th inst." A spectator related "that the speech had a happy effect." Tallahassee Semi-Weekly Floridian, September 26, 1865.

At this town, when the appointed hour arrived, more than a thousand Negroes had assembled to hear Marvin speak.¹⁴ Before the Provisional Governor and his escort appeared, the Negroes sang "several hymns in Camp Meeting Stentorian style." After "a very appropriate prayer," by the Reverend Mr. West, pastor of the Marianna Methodist Church, Marvin began his speech, but was interrupted by a sudden rain. The Negroes were "drenched to the skin," and "their starch lost its stiffness and their swell collapsed. . . ." When the rain stopped, "the crowd gathered again, but materially changed in the 'pomp and circumstance of' liberty. . . ." Marvin began anew.

In his opening remarks he traced the source of the Negro's freedom. To begin with, the colored people had not won their freedom on the battlefield. The "terrible war" had been between the white men of the North and the South.

With this war you had nothing to do; you neither commenced it, nor did you end it, nor is the result attributable to you at all. It was a white man's war. It is true, that a few colored men were enlisted in the army of the U. S., but

¹⁴ The Floridian provided a vivid account of the Negro audience: "It was on the sabbath and they appeared in their best--starched, ruffled and gay--both sexes fully represented, and all ages, sizes, shapes, and complexions, from the unadulterated, impenetrable black African, to the fair mixture that tells of an association of blood in which the Anglo Saxon is even or greatly has the advantage." Ibid.

Marianna was one of the "sore spots" in Florida's interior. Less than a year before, on September 23, 1864, Marianna had been the scene of a federal raid, led by General A. Asboth. Some three hundred old men and boys, who tried to meet the attack, were forced to retreat to a church. Asboth's men set fire to the structure and shot the defenders as they ran for cover into the churchyard cemetery. The community had been plundered, and prisoners and booty carried off to a federal base at Pensacola. Davis, The Civil War and Reconstruction in Florida, pp. 311-312.

they fought no battles; or if engaged at all in such, they were trifling affairs; indeed, you had nothing to do with it. You remained at home, worked, behaved yourselves, and the blood of no man is on your hands.

Second, emancipation was not a war aim. "At the beginning, the war was neither intended nor prosecuted . . . to liberate you from slavery.

Neither the Northern white man nor the Southern white man expected nor intended such a result; neither, therefore, is entitled to your thanks or gratitude."

To whom, then, should thanks be offered for the boon of freedom? The answer supplied by the speaker was in keeping with the religious atmosphere of the occasion. He declared:

To a higher power should you feel grateful for your freedom today--to the Providence, and tender mercies of Almighty God. You are free; as free as the white man--(A voice--"Thank the Lordy, blessed Moses Jesus!" followed by many pious ejaculations)--and never again so long as the U. S. exist . . . will you be reduced to slavery.

Another question the colored people should be able to answer for themselves concerned the identity of their friends. Who were their true friends? To whom could they look for guidance and sympathy? Answering in favor of the Southern white people, Marvin said:

If you ask me the question, whether the white man of the North or the white man of the South is your friend, I will answer you by saying that I hope and believe both of them are; but if it comes to a question of certainty as to which of the two is your better friend, I shall answer plainly and tell you, the white man of the South. I was born in the North, raised and educated there, but I have spent the last thirty years of my life in the South, and I consider myself capable of judging between the two people particularly in reference to yourselves. I know the Northern man, or Yankee, as you call him, from the crown of his head to the sole of his foot, and I tell you today as your friend, that the Southern white man, with whom you were raised and who is acquainted with your habits and customs, is the best friend you have.

Moving on to the broader topic of the responsibilities of freedom, Marvin explained that freedom could "prove a blessing . . . looking to . . . advancement and civilization, or a curse, involving a condition of vagabondism and ultimate destruction." The outcome, of course, rested with the colored people themselves. "It is with you, and you alone to determine," he declared. Liberation had come "unexpectedly" and involved "a state of trial" for both former slaves and owners. While the masters had to accept the financial losses involved in emancipation, the colored people had the obligation of demonstrating their appreciation of freedom through "good conduct." The best way they could do this would be to measure up to their new roles as free laborers and social citizens.

Instruction relative to the obligations of a free laborer came first. Drawing on his knowledge as an ex-slaveholder, Marvin told the freedmen that he knew they would want to test their freedom.

I know, that though I am here as the Governor of the State, and tell you that you are free, that you will not believe it. You are prepared to say, that you remain on the same plantations and are controlled and directed by the same owners, for whom, as before, you have to work, and that you do not understand by such facts that you are free; and on and after the first of January next, I know as well as if I witnessed it now, what you will do. You will leave your old homes--drift about the country--float from plantation to plantation--hundreds of you will come to town, and everywhere you will be looking for freedom, and it will only be when your old masters and mistresses do not pursue you that you will be convinced that you are no longer slaves. And when you shall find as you will that you are free--find it with hungry stomachs and with nothing to eat, with the fact that none cares for you, and that you are driven more than ever to care for yourselves, you will then begin wisely to consider what is best to be done.¹⁵

¹⁵Marvin's fears were well founded. In fact, his prediction materialized before the first of the year. Editorials in a Tallahassee

Following this attempt to talk the ex-slaves out of wandering to test freedom, Marvin raised another question: "After you shall have

newspaper indicated that the city had been transformed into a camping ground for Negro vagrants. The Floridian of November 3, 1865, editorialized: "We call the attention of the powers that be to the depredations committed on the City Cemetery. The fences and palings enclosing graves are being torn down and carried off, probably for fire-wood by the idle negroes [sic] who infest the city and its suburbs." On November 7, it reported that "every tenement, stable and outhouse is filled, and . . . that in some tenements they are so thick that men, women and children live together indiscriminately. . . ." The November 28 issue recalled Marvin's prediction at Marianna, that hundreds of Negroes would come to the towns, and reported that "Tallahassee has already witnessed the evil. . . . Ever since their freedom, not only from the immediate neighborhood, but from the neighboring counties, they have been crowding into this place." The situation was described as a "public disorder" which posed a threat to "health, morals and industry." Tallahassee Semi-Weekly Floridian, November 3, 7, 28, 1865. For further information on Negro vagrancy in Florida, see Tallahassee Tri-Weekly Florida Sentinel, January 2, 1866; Jacksonville Weekly Times, February 8, in Tallahassee Tri-Weekly Florida Sentinel, February 10, 1866.

Though enough Negroes wandered to produce public disorder and caused a great deal of anxiety on the part of the white people, the problem did not reach anticipated proportions. Military and civil officials joined forces to campaign against idleness and inculcate habits of industry among the freedmen. Many freedmen, moreover, had an opportunity to test freedom during the Christmas holidays--a period that came between crops. By the end of January and the beginning of February, 1866, the planters began to express their confidence in the ex-slave as a free laborer. The New Era, the most extreme of Florida's Democratic papers, was among the first to praise the freedmen. Generalizing with respect to Alachua and Marion Counties, it announced "that the negroes [were] doing exceedingly well. . . ." Gainesville Weekly New Era, February 17, 1866. A business associate who wrote David L. Yulee, one of Florida's former senators imprisoned at Fort Pulaski, of affairs on his plantation, reported: "I am truly glad to have it in my power to tell you that, . . . the negroes, . . . are working very well. . . . I have been surprised to see such a great change for the better." John S. Purviance to David L. Yulee, Cottonwood, March 6, 1866. Yulee Papers. For further information on the freedmen's successful adjustment as a free laborer, see Abraham K. Allison to David L. Yulee, Quincy, February 22, 1866, *ibid.*; Marianna Weekly Courier, February 1, 1866, in Tallahassee Tri-Weekly Florida Sentinel, February 6, 1866; Tallahassee Tri-Weekly Florida Sentinel, February 13 and August 9, 1866; Gainesville Weekly New Era, July 20, 1866.

found your freedom, and driven by stern necessity to do something for yourselves, the question is, What is the best for you to do?" The answer was couched in simple language.

My advice is to remain on the plantations where you have been accustomed to work, with your former owners if they will make a contract with you. Make the best contract you can with them, and show to them that you are willing to work better, now that you are compensated for your work, than you ever have done before. Be faithful, be truthful, be honest, be interested in the affairs of the plantation; see that the mules are well fed, that the hogs get good attention and that the things entrusted to you be not neglected.

The mention of contracts naturally led to some advice concerning them. They might be made with former owners, if they were "kind," but no member of the audience need "remain with such as are disposed to treat you cruelly and meanly. . . ." The contract should be "for a part of the crop or so much money. . . ." When making a contract, moreover, the freedmen should be sure "that the man with whom you make it has property--has land, or mules and wagons and cattle out of which you may, if necessary, get your pay. . . ." As everyone knew, "all you can get from a cat is his skin. . . ."

Making a contract was one matter; abiding by it another. The audience was counseled not to "break off" from an agreement, because . . . you will do great injustice alike to those who have employed you and to yourselves." They must develop "a character for faithfulness, truthfulness and industry." Such was their duty, "a duty which you owe to your God who has given . . . you freedom, to yourselves and to the great country that protects you." Those who did not labor "would soon

form habits of great idleness and indolence--would resort to stealing to keep from starving, and thus become a curse even to [themselves]." What was true for the freedmen also held true for the women. Freedom was not an excuse to "put on airs."¹⁶ Addressing the women directly, Marvin declared: "Do not think because you are free, that your husbands are to support you, and that you are to sit all day in your houses and do nothing." Able bodied women were to "go into the fields and work as . . . before." This would be "lady-like." There was "nothing more trifling, . . . than a good-for-nothing shiftless woman." Everyone had to work. The destiny of the entire race was in the hands of each individual.

The white man, continued Marvin--emphasizing the freedman's need to establish a good record as a competent laborer--can care for himself "without you." There is "no danger of his starving; if anybody is to starve," he said, "it will be you and the fault will be yours." As proof of the fact that the white was not dependent on the Negro, Marvin referred to the "thousands of white men in the North who have never owned a slave and scarcely have ever seen one, whose industrious pursuits and habits have secured to them a good living, and many of them fortunes." The same would be true "with the white of the South if there was not one

¹⁶Social aspirations seemed to be universal among the Negro women. They "retired from the cotton fields, for no lady worked in the fields, if, indeed, anywhere. Their first great ambition was to wear a veil and carry a parasol." Coulter, The South During Reconstruction, 1865-1877, pp. 52-53. The New Era revealed that the freedwomen in Florida were no exception. "In many instances," it reported, "the negro women, as their co-workers say, 'have the devil in them' and will not work." Gainesville Weekly New Era, February 17, 1866.

of you to remain in the country."

With freedom "found," then, the colored people could improve themselves by remaining on the plantation, by making contracts with their former masters, and by establishing proper habits of industry.

Marvin introduced his next point--the social responsibilities that went with freedom--by contrasting freedom with slavery. In telling his colored listeners of some of the differences between the two conditions, the speaker created a vivid comparison through his use of concrete, personalized examples and plain, direct language.

You will have much to think about, great trials to encounter--difficulties to contend with never experienced before, and harder work . . . to do than you have ever done before. Heretofore, comparatively, you have had no cares. Your masters, influenced by interest aside from human feelings, which none question many of them having, have fed you, clothed you, and when sick have nursed you and when necessary have employed medical attendance; the raising of your children has received almost their exclusive care; they furnished the old women to watch over them during the absence of their mothers, who came two or three times to nurse them during the day. Now, as freed men and women, you are by your work to feed yourselves, clothe yourselves, employ medical attendance, [and] raise and educate your children.

Would the children be raised properly? Marvin was afraid some might suffer. He knew of instances where "mothers . . . neglected their children to perish and to die." They wished them dead "so that they no longer would be on their hands." These "abominable" and "unnatural" acts would, "in time, bring down on the heads of those base enough to commit them the awful punishment they deserve."

Education was one of the privileges of being free. Some of the listeners who were "old or grown up to be men and women," could not

expect to experience "much of the benefits of freedom," but they would have the privilege of sending their children to school, and "so preparing them that they will be greatly benefited by it." Children should be reared "in the fear of the Lord, and when they shall be as old as you, they will know something about freedom and be far better calculated than you now are to get along in the world."

Another matter incident to freedom was matrimony.¹⁷ Those who had "never been regularly married," were ordered to "go at once and get a clergymen [sic], or a magistrate, and be so." Moreover, the law of God allowed the taking of "only one wife, or one husband."

Saving and the ownership of property were also emphasized as important aspects of freedom. Marvin suggested the proper policy by having his audience visualize the benefits of industry and thrift.

Some of you will work hard, make a little money and save it, and so on, till you get one, or two, or three hundred dollars, and then you will buy a piece of land, and you go to some white man kindly disposed to the colored man and borrow money enough to buy a mule and a plough, &c., and you will set up for yourselves. Others will in time buy town lots and build on them, and so on; others will work and save till they will own considerable property and become good examples for emulation.

The next bit of instruction concerned politeness, a subject which Marvin emphasized by identifying it with employment. Again, the

¹⁷In the ante bellum South, marriages among slaves were "arrangements of convenience"; hence, many unions had to be legalized and sanctified. Coulter, The South During Reconstruction, 1865-1877, p. 53. Legislation requiring that Negroes living as husband and wife "be regularly joined in the holy bands of matrimony" by October 11, 1866, produced numerous marriage rites. An Alachua County judge, for example, "joined together in wedlock as many as twenty couples in one day." Gainesville Weekly New Era, July 13, 1866.

speaker's style was plain and direct.

Do not think that, because you are free, you have a right to be impudent, uncivil, or impolite to white people. You have no such right. Impoliteness is not justifiable in any one. You should be as civil, as polite as you always have been. . . . You do not wish to make white people hate you. It is to them that you are to look for almost everything; you want to be instructed by them; you want to learn from them a great many things you cannot possibly learn without them; so you must be polite and civil to them and don't put on airs and flaunt and look insolent at them, and don't as I have heard has been done in places, jostle, or rub, or shove up against them when passing them on the road. Such a course is highly wrong and will get you into trouble. Some of the most polite men I have ever seen were colored men who have been raised in good families. They were naturally polite and knew well how to be so, and it is so with you. You can be as polite as any one, and you ought not to be otherwise. It is a duty which is due to yourselves; it is gentlemanly and lady-like, and, now that you are free, you should try and be gentlemen and ladies. You have a greater inducement now than you ever had before, and if you wish to be esteemed as ladies and gentlemen, you must conduct yourselves accordingly. Call your old Master, Master, and your old Mistress, Mistress. It is right that you should; it is proper, it is polite. You do not mean by calling them so, that you belong to them, but that you wish to be respectful and polite, and to give no cause for offence, but rather desire to please. I don't say that you must call them Master or Mistress; but I say it is civil and polite in you to do it, and you ought, therefore, to do it. I have known many white servants, and there are thousands in the North where I was raised, and it is so in England, too, who call those who employ them Master and Mistress. It is a term of respect and deference, and they call them thus because this is so. There they, as I said before, are white servants, and they till the land, feed the stock and do other work that is done here, and they are respected and all of them find employment, as you may do if you will conduct yourselves properly.

If the colored people reflected upon their status, they would have to conclude that the mantle of freedom did not make them the "equal" of the whites. To be equal, they would "have to be able to write a book, build a railroad, a steam engine, a steamboat and thousands of other things. . . ." The white people were far ahead of them, and it was

foolish "to think they are not superior to you and will ever be. . . ." The whites, however, were willing to help them "rise," on condition that the colored people try to "raise" themselves. It was to the advantage of the audience, then, to labor to make "fast friends" of the white people rather than bring scorn upon their race through "bad behavior."

Having told the ex-slaves that they were "as free as the white man," and having instructed them in some of the responsibilities of freedom, Marvin next tried to discredit a rumor that had been spread among the colored population in various parts of the "black arc." He referred to "a story circulated in Middle Florida that on the first of January. . . the land, mules, &c., will be taken from your former owners and divided among you." He wondered if anyone in the audience had heard the story. "Have you? Speak out. If you have tell me so. ('Ise hearn it, Ise hearn it,' said all.) Well who told you so? (An answer, 'the soldiers!') What soldiers? These soldiers in town? ('No sir, the Confederate soldiers.')"

The speaker went on to relate that he had attempted to discredit the same story for "the colored people in Quincy"; they had not understood. He wanted the audience before him to "understand . . . and believe what I say." The President had sent him to talk to them and to tell them the truth. "If he had thought I would not tell you the truth," explained Marvin, "he would not have sent me."¹⁸ The President did not

¹⁸A New York Times correspondent, writing from Tallahassee on October 26, reported: "The black population have a firmly established belief that the estates of the slaveholders are to be divided among the former slaves--that they are to be provided with homes and means to live

plan to give them 'one foot of land, nor a mule, nor hog, nor cow, not even a knife and fork or spoon. (A voice, 'Dar! . . . hear dat? dat's a bad egg dat chicken wont hatch no how!')" The President had granted freedom and that was "everything he intends to give you. . . ."

The reason for the President's decision was just; in fact, the President had received his instructions from God.

Before the war each one of you was worth in dollars and cents to your owners, eight hundred, or a thousand, or fifteen hundred dollars--worth more than fifty acres, or eighty acres of land and a mule thrown in. Well, the President has, in giving you your freedom, taken so many dollars and cents from your old masters, and he thinks, as I do, they have lost enough, and you by it have had enough given to you. If he were to give you more it would prove a curse to you. God has directed the President how much to give you and he will give no more.

The Lord knew what was best for them. If they were given land and mules, they would be proud and say, "I have land now and a mule and I am a gentleman, and I ain't agoing to work." It was best for them to be content with their freedom, "and what else you have you will have to get by work." They were at liberty to work for themselves. They had

independently by the government. . . . When Gov. Marvin, in a recent speech, undertook to undeceive them, they turned from him in disgust and believed him in league with their old masters to deceive them." New York Times, November 10, 1865. Perhaps, it was the fact that Marvin failed to convince the Quincy Negroes that prompted him to establish his ethos with the Marianna audience, before refuting the story of the land and mules.

In his attempt to clarify the matter for the Quincy Negroes, Marvin had explained that the story of free land and mules had been started by General Edward M. McCook's men. "These men said this because they did not know the war was over and were here amongst us endeavoring to use this as one of the means of stopping the war." See Marvin's speech to the freedmen in Quincy, Quincy Weekly Commonwealth, September 16, 1865, in Jacksonville Weekly Florida Union, September 30, 1865.

"none other to work for." They belonged to "no man," and had "ceased to be property."

As he approached the conclusion of his speech, Marvin again exhorted the audience to "struggle hard and do right," and to "live as good men and women." They all appeared to be well equipped for work; they were "well fed, well clothed, healthy, strong, full of muscle and sinew, showing kind treatment. . . ."

Finally, Marvin said he believed he had "covered the whole ground." If he had left "anything out" he wished to be informed "what it [was]." After answering a few questions he again inquired if all were satisfied. "Are you? (We are,' by all.) Will you promise me to do the best you can, be kindly disposed to all, to be good men and women? ('We will.')" Marvin, who had validated many of his pronouncements on this Sunday morning by relating them to "God" or the "Lord," closed with a benediction: "God help you do it."¹⁹

The probability is that this speech on freedom and its responsibilities both pleased and disappointed the Marianna Negroes. Writing of the reaction of Florida's Negroes to his "freedom speeches," Marvin

¹⁹For the text of the Marianna speech, see Tallahassee Semi-Weekly Floridian, September 26, 1865; Jacksonville Weekly Florida Union, October 7, 1865. When a portion of the speech became a source of controversy between the Jacksonville Herald, which was owned by a northerner, and the Florida Union, which supported Johnsonian Reconstruction, its authenticity came into question. The Florida Union affirmed: "until we see a contradiction or denial of that speech of the Governor, as reported, we . . . believe that the address was substantially reported in the language uttered by him on the occasion. . . ." Jacksonville Weekly Florida Union, October 7, 1865. No contradiction or denial appeared in subsequent issues of the Florida Union.

related: "Judging from the stolid and indifferent manner which they exhibited when spoken to on the subject, one would not suppose that they regarded freedom as 'a thing of beauty and joy forever.'"²⁰

Some who had children by several women were hard put to choose a wife.²¹ Others were infirm and aged, and now that they were no longer wards of their former masters, feared for their survival.²² All who had heard the story of "forty acres and a mule" were, no doubt, provoked by the speaker's denial of its truth. On the other hand, the prospects of freedom were pleasant and the speaker's expressions of confidence in his listeners flattering.

The Marianna speech had its effect both within the "black arc," and outside. Charles E. Dyke, owner and editor of the Democratic Floridian, wrote: "We have read a number of addresses to similar audiences from several distinguished gentlemen, but none of them, in appropriateness," equalled that of Marvin.²³ The Jacksonville Herald, which had been purchased by a northerner, E. H. Reed of Wisconsin, did not share the

²⁰Kearney, "Autobiography of William Marvin," p. 217.

²¹For a report of a conversation on this subject reputedly held between Marvin and a freedman at Marianna, see Tallahassee Semi-Weekly Floridian, September 26, 1865.

²²Such was the concern of an aged Negro who queried Marvin after he had finished speaking to a colored audience in Jefferson County. For a report of the dialogue, see Kearney, "Autobiography of William Marvin," p. 217. For information on the problem of aged freedmen, see editorial: "What will become of Old Pompey?" Monticello Weekly Family Friend, in Jacksonville Weekly Florida Union, December 9, 1865.

²³Tallahassee Semi-Weekly Floridian, September 26, 1865.

enthusiasm of the Floridian.²⁴ It took exception to Marvin's treatment of the Negro's role in the war; he had asserted it was "a white man's war." Such a statement was "a falsehood and a slander."²⁵ The Florida Union, a staunch advocate of Johnsonian Reconstruction, entered the skirmish by coming to Marvin's defense. "This language of the Governor is true, every word of it." It had been a "white man's war," and until "the promulgation of President Lincoln's emancipation proclamation it was prosecuted without any ultimate view of changing the status of the negro in the then slave States." Colored soldiers had numbered only 150,000 and "were not enlisted to any great extent till near the close of the war. . . ." The Herald was admonished to "try to hunt up modesty and decency enough to prevent . . . calling Gov. Marvin, a liar and a slanderer."²⁶

The Jacksonville Times, a Radical Republican paper that supported the Unionist element in Florida, did not restrict its comments to the

²⁴During the short period of its existence, August to December of 1865, the Jacksonville Weekly Herald served both Democrats and Republicans. The paper was started as a Democratic organ in August of 1865, with Joseph F. Rogero as proprietor, and Holmes Steele as editor. Gainesville Weekly New Era, August 19, 1865. In its third issue, Rogero reported that he had sold the paper to E. H. Reed. The New Era, in its coverage of the sale, related that E. H. Reed was the son of Harrison Reed, United States postal agent for Florida. Ibid., September 2, 1865. By December of 1865, the Herald had been absorbed by the Jacksonville Times, a Radical Republican paper that supported the Unionists in Florida. See Jacksonville Weekly Florida Times, December 14, 1865.

²⁵Jacksonville Weekly Herald, September 29, in Jacksonville Weekly Florida Union, October 7, 1865.

²⁶The Florida Union defended the position taken by Marvin concerning the Negro's role in the war, in its issues of October 7 and 21, 1865.

Marianna speech. Instead, it came out with a "blanket editorial" covering the Provisional Governor's speechmaking to all classes during the preconvention period. Ignoring politics and the squabble over the Marianna speech, it editorialized:

If it is difficult for the slave to fit himself at once for the exercise of the duties and responsibilities of a freedman, it is also difficult for the master to immediately shake off the life-long habits of arbitrary power and at once regard his late chattel as changed to a full man and equal, before the law and before God, with himself. But Gov. Marvin has allayed the bitterness of prejudice by his frank, generous and manly bearing, and has commanded the respect of all classes by his adherence to truth and his undisguised utterance of the well-defined purposes of the federal Government.²⁷

The Rhetoric

What William Marvin said to the white people during the preconvention period was largely aimed at persuading them to acquiesce in the President's terms of reunion. His remarks, and those of Alfred Sears concerning racial harmony and the Negroes as free laborers, concerned the related end of creating a stable economic and social atmosphere for political adjustment.

As we analyze the rhetoric of the "freedom speeches," we see that the Provisional Governor's remarks to the freedmen also constitute a rhetoric that served these same two ends. Marvin had to convince the ex-slaves they were free, and educate them regarding their economic and social responsibilities without undermining the rhetoric of acquiescence.

²⁷Jacksonville Weekly Florida Times, October 5, 1865.

Talking to thousands of illiterate ex-slaves on such intangible matters as freedom and its responsibilities was a difficult assignment, but not an impossible one for a speaker who was skilled in discovering and employing the available means of persuasion. Marvin fashioned his rhetoric from proofs which he derived from his knowledge of the audience and his analysis of the occasion, and from rhetorical techniques which he selected and used because of their appropriateness for his purpose and his audience.

Proofs were needed to convince the ex-slave that he was free. These were found in his background as a Christian and in the atmosphere of the immediate occasion. Much of Marvin's personal proof or ethos in the Marianna speech stemmed from the fact that he spoke on Sunday and that his speech was preceded by religious songs and by prayer. When he told the ex-slaves freedom had come from God, he, in effect, combined a religious identity with an appeal to the ex-slave's belief in God to establish or "prove" the reality of freedom.

Restatement was the rhetorical method chosen to reinforce belief in freedom. The theme "you are free" or "God has given you freedom," or a combination of the two ideas, was systematically emphasized throughout the speech. Marvin began with statements to this effect, worked them into transitions, included them along with advice on a variety of subjects, and incorporated them into his peroration.

One internal summary contained this statement: "I have told you that you are free, as free as the white man, that you never will again be slaves--that God himself has given this freedom to you. . . ." In

the course of advising the freedmen to make contracts with their employers, Marvin admonished them to be faithful. It was their duty to be so, "a duty which you owe to your God who has given you freedom. . . ." As he neared his conclusion, he restated the theme of freedom four different ways: "You now are at liberty to go to work for yourselves; you have none other to work for. You belong to no man; you have ceased to be property; you never will be sold again. . . ."

Proof was also needed to discredit the rumors about gifts of land and mules. Here again, the speaker used religious identity and an appeal to the freedman's belief in God to carry his point. In addition, he strengthened his own status as an authority figure by identifying himself with President Johnson. The President had sent him to tell "the truth." God had directed the President to give them freedom, and in keeping with God's wishes this was all the President intended to give them.

Getting the ex-slaves to understand and to carry out the responsibilities of freedom required rhetorical techniques that would produce clear understanding and pathetic appeals that would supply the necessary motives. Clarity was achieved through rhetorical tactics typical of the rhetoric as a whole. The speaker's style was paternalistic. His language resembled that of a father speaking to his children. Examples were numerous and specific. Explanations were simple, lengthy, and sometimes repetitious. Parallel sentence structure provided a means of emphasis, and references to familiar objects were often employed for clarity. Pathetic proofs or the motives supplied to bring about the desired

conduct, centered in the ex-slave's social aspirations, his moral convictions, and his physical needs.

Freedwomen were not to put on airs; they were not to sit in their houses all day and do nothing. It was perfectly "lady-like" to work in the fields. Those who were not married were to be so, but there could only be one husband or one wife, "for such is the law of God." Being polite was one way of being respected as "ladies and gentlemen." Those who floated from plantation to plantation or drifted into town looking for freedom would find it with "hungry stomachs and with nothing to eat." Those who were honest, faithful, and industrious, those who fed the mules, took care of the hogs, and looked after the affairs of the plantation would enjoy the friendship and succor of the white people. For them, freedom would prove a blessing involving "advancement and civilization" rather than a curse "involving a condition of vagabondism and ultimate destruction."

This kind of information and advice, of course, was important because of its contribution to the economic and social stability so essential for political adjustment. But what of the affinity of the "freedom speech" with the rhetoric of acquiescence?

The connection becomes clear if one recognizes that when Marvin talked to the freedmen, he was also talking indirectly to the white people. Many white people listened to the freedom speeches, were told about them, or read them in their newspapers. What they heard or read reinforced the rhetoric of acquiescence. Thus Marvin's method of announcing freedom to the Negroes strengthened his status with the

southern white people, and the tenor of his remarks on the responsibilities of freedom reinforced the central theme of the strategy of acquiescence: White men shall rule!

Moreover, the Provisional Governor won the confidence of the southern white people by neutralizing the source of freedom--a technique which he was not able to carry off without doing violence to the facts. According to Marvin, freedom had not been granted by the northerner or southerner; and what was even more to the point, the ex-slave had not himself earned freedom on the battlefield. To divest the northerner and southerner of any connection with emancipation by attributing freedom to God was one thing; but to wipe out the Negro's connection with the war by asserting that the war had been "a white man's war" was another. Such a claim not only contradicted what Marvin had said to the white people at Quincy less than two weeks before; it left him open to the charge of "falsehood"--a charge which was, in fact, made by the northern owned Jacksonville Herald.²⁸ Few, if any southerners, however, questioned Marvin's assertion. No one, moreover, challenged his claim that the southern white man was the freedman's best friend.

²⁸The speaker was guilty of emphasizing the Negro's role in the war--he had exhibited courage on "many a bloody field"--to help the white people rationalize the abolition of slavery and to minimize it. The phrase colored men "fought no battles" sought to divest the freedmen of any feelings of importance growing out of their connection with the war.

The Herald was justified in charging Marvin with falsehood, for when he told the freedmen at Marianna that the war had been "a white man's war," he went too far. Abraham Lincoln had authorized the use of colored troops in 1863, and by the end of the war there were 186,000 Negroes in the Union service. Negroes recruited in Florida served as occupation forces in Jacksonville, were sent on raiding expeditions in

In his speeches to the revolutionists, Marvin had nurtured the southern ego with statements about the superiority of the white people and had buttressed his appeal for acquiescence in the President's terms of reunion by emphasizing that Negro suffrage was not among them. Having told the white man he was superior, Marvin now proceeded to tell the Negro he was inferior. He was not to be impolite to the white people. "It is to them that you are to look for almost everything; . . . you want to learn from them a great many things you cannot possibly learn without them. . . ." Former masters ought to be called "master," and mistresses, "mistress," as a sign of respect. Freedom did not make the colored people the equal of the whites. "They are far ahead of you, and it is foolish for you to think they are not superior to you and will ever be. . . ."

Statements such as these were calculated to reduce racial tension by inculcating a spirit of submissiveness in the freedmen but, at the same time, they contained persuasive implications for the white people, implications that reinforced the face saving feature of the strategy of acquiescence.

In sum, while the "freedom speeches" fell short of accomplishing one of their central purposes inasmuch as great numbers of freedmen wandered and many became vagrants, the claim can be made that they contributed significantly to the economic and social stability that made political reorganization possible.

East Florida from 1863 to 1865, participated in skirmishes at Marianna and Natural Bridge, and played a prominent part in the battle of Olustee. See Randall, The Civil War and Reconstruction, pp. 503-505; Davis, The Civil War and Reconstruction in Florida, pp. 218-242.

CHAPTER IV

SPEAKING AT THE CONSTITUTIONAL CONVENTION OF 1865: A RHETORIC OF ADJUSTMENT

The Scene

Through the pre-convention speeches and proclamations of William Marvin, the provisional governor, Floridians had learned that they must be the agents of their own redemption. During September of 1865, attention was focused on the nomination of delegates to a constitutional convention. With the election set for early October, candidates were nominated at public meetings held during September.

In at least three counties, Unionists vied with ex-Confederates for seats in the convention.¹ Such was the case, for example, in Columbia County, located in north-central Florida. The "loyal citizens" met in Lake City on September 16, and nominated William M. Dukes and William H. Christi as convention candidates. Before adjourning, they adopted a platform containing eight resolutions. Three were significant. One accepted the "overthrow of slavery"; it was "something of the past." Another called for constitutional and legal guarantees for all in the protection of their person and property, "regardless of color, religion

¹In his testimony before a congressional committee in 1866, Marvin explained that he did not believe "that there were any tickets run in any of the counties, . . . which could be called in opposition to the reconstruction of the Union. There were in some of the counties candidates running who claimed to be old Union men, and claim to be at present the Simon Pure Union men all through, who were opposed by men who went into the war and were in the confederate army. That was the case, I think, in three counties." Report of the Joint Committee on Reconstruction (Washington, 1866), 39th Cong., 1st Sess., Pt. 4, p. 7.

or birthplace." The third was an unqualified stand on debt repudiation: "We are unalterably opposed to the recognition, directly or indirectly, of any debt or obligation whatever, incurred by the State while in rebellion. . . ."²

Six days later the ex-Confederates met in the same city and named their slate for the convention. Silas L. Niblack, who became Democratic candidate for Congress in 1870,³ and Thomas T. Long, an ex-Confederate and secessionist,⁴ were nominated by acclamation.⁵

A "large and spirited meeting of . . . colored soldiers and citizens" held in Jacksonville on September 18 reflected an interest in the approaching convention that extended beyond the nomination of candidates. The group met in the Baptist Church "to take into consideration the

²For an account of the Union meeting, see Jacksonville Weekly Florida Times, October 5, 1865.

³Quincy Weekly Journal, September 2, 1870.

⁴Long was a politician who believed in casting his lot with the party in power. In 1860, he was an avid Democrat and one of the leaders in the movement for secession. During the war he served in the Confederate army. In 1865 and 1866, he joined with the Conservatives to support presidential Reconstruction. When the Johnson government fell, he joined forces with the Republicans and was rewarded with a political appointment from Republican Governor Harrison Reed. Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States (Washington, 1872), XIII, x; Fernandina Weekly East Floridian, January 19, 1860; Tallahassee Weekly Floridian, August 18, 1868. For Long's secession speaking, see Kearney, "Political Speaking in Florida from 1859 to 1861," pp. 46, 59, 72, 107.

⁵Long was present at the meeting and, being called on for a speech, he expressed his views on the issues and accepted the nomination. For an account of the "ex-confederate" meeting, see Jacksonville Weekly Florida Union, October 7, 1865. For reports of other pre-election meetings held at Jacksonville, Madison, and Gainesville, see Jacksonville Weekly Herald, September 22, 1865; Tallahassee Semi-Weekly Floridian, September 26, 1865; Gainesville Weekly New Era, October 7, 1865.

interests of the colored population of the state and adopt such measures as the exigencies of the case seemed to require." Addresses were given by "several soldiers and citizens," and by a "Reverend Mr. Harris" of Beaufort, South Carolina. Before dispersing, the group appointed a committee to prepare resolutions expressing the sense of the meeting, and "a petition to the Convention . . . asking for the right of suffrage."

At a subsequent meeting on September 26, the resolutions and petition were reported and adopted. In its resolutions the group acknowledged "with gratitude the position taken by Gov. MARVIN, in his proclamation and in his recent speech at Quincy, in regard to the rights of colored men. . . ." The governor was tendered "profound thanks" for his declaration "that the freedom proclaimed by the federal government is intended to be the full, ample and complete freedom of a citizen of the United States." Further, it was resolved that the suffrage petition approved by the meeting be circulated throughout the state for signatures, and that copies of the resolutions and petition be given to Marvin, Major General John G. Foster, Brigadier General John Newton, Colonel Marple, and the subordinate officers of the district.⁶

⁶Addressed to the convention, the petition read in part: "The undersigned, colored soldiers and citizens of _____, grateful to Almighty God and to the federal government [*italics mine*] for our liberation from slavery and the acknowledgment of our rights as freemen, . . . ask of your honorable body, that in framing the Constitution . . . you may make it in all respects to conform to the principles of Republican government--doing away with distinction on account of color and recognizing the rights of all. . . .

"We respectfully, but earnestly, ask that we may be admitted to

By election day it had become clear that in some counties the voters would have to choose between Unionists and ex-Confederates. Of equal significance was the fact that at least one group had openly advocated Negro enfranchisement.

On October 10, Floridians chose their constitution makers. Of the 8,512 qualified voters, 6,708 cast their ballots.⁷ Before the election there were indications that only a small number would go to the polls. E. J. Lutterloh, a native of North Carolina and a business and political leader in Cedar Key, informed Yulee that he did not believe that the people were very interested in the election, and predicted that very few would vote.⁸ The Florida Times, a Republican organ, scoffed at the event. On October 5, it reported: "Judging from present appearances not half a vote will be polled. There seems to be little interest or organization. . . ." On October 12, it declared that the election "attracted little attention and passed off very quietly." It was doubted "if there were 2,500 votes cast in the entire State." Representatives

the privilege of suffrage, upon the same basis as others; and however high that basis may be, so that it is uniform, we will not complain, but we will ever cherish the privilege as a boon and a guaranty against injustice and oppression. . . ." For an account of the meetings and a copy of the resolutions and petition, see Jacksonville Weekly Florida Times, October 5, 1865.

⁷Some 7,042 took the required oath before military authorities; 1,470 oaths were taken before judges of election. Journal of Proceedings of the Convention of Florida, Begun and Held at the Capitol of the State, at Tallahassee, October 25th, A. D. 1865 (Tallahassee, 1865), pp. 132-133. Cited hereafter as Journal of the Florida Constitutional Convention, 1865.

⁸E. J. Lutterloh to David L. Yulee, Cedar Key, September 20, 1865, Yulee Papers.

of the paper at Tallahassee reported on election day that one would "never have suspected an important election was transpiring, from any thing that was visible."⁹ Marvin, however, regarded the election "as full and fair an election, and as full and fair an expression of the wishes of the people as could possibly be had."¹⁰

What had been the wishes of the people in their choice of delegates? What class would control the convention, Unionists or ex-Confederates and secessionists? The available evidence indicates that although all three of these groups were represented, the ex-Confederates and secessionists made up a majority of the convention. One source relates that "the men elected . . . with but few exceptions, had supported the Confederacy."¹¹ The Tallahassee Floridian, a Democratic paper, held that "men prominently connected with the rebellion . . . very generally, and very prudently, . . . abstained from being candidates. . . ."¹² Marvin estimated that approximately one-half of the group "belonged to the confederate army during the rebellion." The other half was almost evenly divided between those who "claimed to have been Union men all the

⁹Jacksonville Weekly Florida Times, October 5 and 12, 1865.

¹⁰Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, p. 7. The small vote may be attributed to many causes, one of which was the lack of proper facilities for taking the oath. A Jacksonville paper reported that many came long distances to take the oath and were "disappointed for want of the proper blanks." The inconvenience was felt "particularly by many of the poor class who can ill afford the time and means to make such frequent visits." Jacksonville Weekly Florida Union, September 9, 1865.

¹¹Davis, The Civil War and Reconstruction in Florida, p. 361.

¹²Tallahassee Semi-Weekly Floridian, October 27, 1865.

time," and those who "sympathized with the secession movement."¹³ A representative of the New York press felt that the membership was composed largely of "practical," "experienced" men. "None of the rabid fire-eating element [was] manifest, though there [might] be smothered brands only awaiting occasion to kindle into flame." There seemed to be "an earnest desire on the part of nearly all the members to conform to the requisitions of the government and the necessities of freedom." Whether they were willing to "surrender old theories and prejudices" could only be determined by "practical tests."¹⁴ The Jacksonville Florida Times, a Republican paper which had reporters at every session of the convention, expressed its surprise "at the almost entire absence of frivolous or designing politicians, and the general exhibition of a spirit of true patriotism. . . ." "We could hardly realize," it editorialized, "that this sedate, peaceful, intelligent, and patriotic body of men were the representatives of a people so lately in revolt against their government."¹⁵ The Florida Union, which supported Johnsonian Reconstruction in 1865, was the only paper which endorsed the qualifications of the delegates before the convention met. Prior to the election,

¹³Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, p. 7. The convention roster contained the name of James Gettis, a Tampa attorney, who had served as a member of the secession convention in 1861. Ralph A. Wooster, "The Florida Secession Convention," Florida Historical Quarterly, XXXVI (April, 1958), 383; Journal of the Florida Constitutional Convention, 1865, pp. 3-4.

¹⁴New York Times, November 10, 1865.

¹⁵Jacksonville Weekly Florida Times, November 23, 1865.

it had counseled the selection of "men of consistent but undoubted union sentiments and antecedents. . . ." In the event that a sufficient number of "such men" could not be had, the people were advised to rely on men "who have held opposite views and sentiments [the ex-Confederates], but have been alike earnest and consistent in the advocacy of them but are now convinced of their fallacy, and are alive to the changes produced by the war . . . and fully 'accept the situation' in all its bearings. . . ." In a post-election analysis, the Florida Union lauded the people's judgment. They had generally "chosen their best men--men all of them of fine practical abilities and good sense, while many of them are noted for their intellectuality." This augured well, "for no body of men that ever assembled in the State had matters of so grave a nature to claim their deliberations. . . ." ¹⁶

The delegates were to spend twelve days voting, speaking, and listening to speeches on such questions as the invalidation of secession, the abolition of slavery, the repudiation of the state's Confederate debt, and the rights of the Negro. The extant speeches--all of which are reported here--provide a partial account of their experience. On the first day they heard what was probably the most important single bit of discourse, the provisional governor's message. This document embodied mandates and suggestions calling for a constitution which would reflect the revolutionary changes brought about by the war. On the evening of the fifth day, the delegates joined the residents of

¹⁶ Jacksonville Weekly Florida Union, September 9 and October 21, 1865.

Tallahassee to listen to another representative of the President, General Oliver O. Howard, who used the occasion to discuss the questions of confiscation and Negro testimony. On the seventh and eighth days, they considered arguments on repudiation and the tabling of a communication from Florida's elder statesman and former governor, Thomas Brown. On the final day, the constitution makers sat back and listened to Marvin's evaluation of their labors.

The Discourse

Speech of E. D. Tracy and Message of Marvin

At noon on October 25, the convention delegates assembled in Tallahassee and took their seats as the representatives of a people who sought to create a new state government in order to restore their state's relations with the federal government. After answering to their names and taking the oath prescribed for members, the group proceeded to organize by electing its officers. E. D. Tracy assumed the position of president after being selected on the third ballot. He was about fifty-five years old, stood five feet six, and was of "stout" proportions. His hair and a beard were "profusely sprinkled with grey." His political background, combining a "large legislative experience," with opposition to secession and support for the Union, made him "a sound man and a safe legislator."¹⁷ On taking the chair, Tracy delivered what was

¹⁷For a vivid description of Tracy, see Jacksonville Weekly Florida Times, November 23, 1865. The other nominees were Benjamin D. Wright of Pensacola, and Thomas Baltzell of Tallahassee. Wright was regarded as one of the "strongest Union men in the State," and Baltzell, although "known as a Secessionist," was a "conservative and sound man, and no fire-eater." New York Times, November 10, 1865.

probably the shortest speech of the convention.¹⁸

He thanked the delegates for the unexpected honor accorded him. It was his belief that there were "many abler and better qualified for the position." After pledging that he would discharge "the high responsibility" of his office with "unfeigned diligence," he reminded his listeners that their "assistance and forbearance" would be essential for success. It would be their joint task "to lay anew the foundations of civil government" and "to establish them deep and broad upon the principles of eternal truth and justice. . . ." They needed "to erect a better, more magnificent and enduring structure than the old." Before closing, Tracy again thanked the delegates for bestowing upon him such a "distinguished honor."¹⁹

After Tracy finished speaking, a committee was appointed to inform the governor that the convention was organized and awaited "any communication he was pleased to make." When the governor's message was received, it was ordered that the document be read aloud.²⁰

¹⁸The convention audience consisted of two groups, the convention delegates and those permitted to attend the sessions. Those admitted to the convention included newspapermen and military and civil dignitaries. Editors and reporters from Florida and "other States" were admitted to seats on the second day of the convention. The New York Times was probably represented by Benjamin C. Truman. See the Times, December 25, 1865. S. T. Bulkley represented the New York Herald. Tallahassee Semi-Weekly Floridian, October 27, 1865. Invitations were extended to Marvin and Foster on the third day. Journal of the Florida Constitutional Convention, 1865, pp. 27, 37.

¹⁹For the text of Tracy's speech, see Jacksonville Weekly Florida Times, November 23, 1865.

²⁰Journal of the Florida Constitutional Convention, 1865, p. 21.

By the time the reader had completed his task the delegates were aware that they had been confronted with six propositions of policy. These were: (1) the fact of freedom" should be written into the state constitution; (2) the civil rights and political privileges of the Negro should be defined in the constitution; (3) the colored people should not be enfranchised; (4) the Negro should be admitted as a witness in the courts in cases involving a colored person; (5) the colored people should be guaranteed legal protection in the exercise of their rights of freedom, and should enjoy equality of justice; and (6) the convention should declare that the ordinance of secession passed in 1861 "was and is null and void."

Although some matters were to be decided by the delegates themselves, the slavery question was not among them. Re-establishment of state government required unqualified recognition of the Negro's freedom. All the delegates in taking the amnesty oath had pledged themselves "to support the freedom of the former slave." Hence, the convention was expected to declare in the constitution "that neither slavery nor involuntary servitude, except as punishment for crime, . . . shall hereafter exist in this State." Mississippi, Alabama, and "other Southern States" had already incorporated these words into their constitutions. The fact of freedom could not be left to "argument or inference."

The emancipation of the slave made it necessary, in Marvin's judgment, "to define, in the Constitution, . . . what his civil rights and political privileges shall be." The presence of two races almost

"equal in numbers" and so unlike each other, required that the rights of each be clearly defined by law. Marvin suggested a definition based on the distinction between the rights of freedom and the privileges of citizenship.

First came a statement of what freedom included.

It may be said, . . . to consist, chiefly, in the right to be protected, by constitutional law, in the enjoyment of life, in the acquisition of property by honest industry, in its possession and transmission to heirs, in a right to personal security and locomotion, and generally, in a right to improve one's intellectual, moral and religious condition, and to pursue happiness according to one's own ideas of happiness, not interfering with the exercise of the same right on the part of others.

Next came a declaration that freedom did not "necessarily include the idea of a participation in the affairs of government."

The privilege of voting at elections, the capacity to hold office, or to sit on juries, are not essential rights of freedom. They are privileges conferred or duties enjoined upon certain persons or classes of persons by the supreme power of the State, for and on account of the public good, and the persons or classes of persons upon whom these privileges are conferred or these duties enjoined may be increased or diminished, with reasonable limits without impairing rights of freedom, according as that power may determine. Persons may be free without the capacity to hold office, to sit on a jury, or to vote at elections.

Several specific examples were furnished to support this doctrine. The English people were free, but not "one tenth of the adult male population" were entitled "by law" to vote or to sit on juries. In Florida, "foreigners were not entitled to vote or to sit on juries until they have been naturalized"; yet they were "free." Women and children could not vote, hold office, or serve as jurors; yet they were "free."

This statement regarding "civil rights" and "political privileges" provided the background for a consideration of "the subject of the elective franchise."

The delegates were undoubtedly pleased to learn that this was a question that had not already been decided for them. Florida's "present" constitution barred the Negro from voting. "Whether you will add to or diminish the number of voters by changing the qualifications is a question for you to consider and decide." Moreover, it was a decision that would affect the people of "this" and other States," for those who were qualified to vote for local officials would also be qualified "to vote for Presidential electors and members of the House of Representatives."

Actually the question facing the convention was this: "Shall the elective franchise be conferred upon the colored race, and if so, upon what terms and qualifications?" There was a hush in the convention hall as the reader rendered the governor's answer.

I am not advised that the President has expressed his views or wishes on this subject, and I know no more of the views or wishes of the members of Congress than is generally known. I cannot think, however, that, if the Convention shall abolish slavery and provide proper guarantees for the protection and security of the persons and property of the freedmen, that Congress will refuse to admit our Senators and Representatives to their seats, because the freedmen are not allowed to vote at the State and other elections. When the question of their admission shall arise, I think the main inquiry will be, not are the freedmen allowed to vote, but are they guaranteed, in the Constitution, protection and security for their persons and their property. It does not appear to me that the public good of this State or of the nation at large would be promoted by conferring, at the present time, upon the freedmen, the elective franchise. Neither the white people nor the colored people are prepared for so radical a change in their social relations. Nor have I any reason to believe that any considerable number of the freedmen desire to possess this

privilege. What they desire and what they have a right, in my judgment, to require is, that they shall be guarantied [sic] protection in the enjoyment of all the rights which properly belong to their condition as freemen, and that this protection shall not be dependent upon the varying and uncertain action of the Legislature. It is protection, and not political privileges, that they need and desire; and the problem to be solved is, how to secure them this protection, without their participation in the business of the Government.

The delegates must indeed have been pleased by the provisional governor's judgment that they could withhold the vote from the Negro without imperiling the process of reunion.

After asserting that what the Negro needed was security of person and property rather than the privileges of citizenship, Marvin proposed that he be admitted as a witness in the courts as a means of affording him this security. The arguments advanced under this head constituted a strong case for Negro testimony. The Congress had already demanded protection for the emancipated slave. Further, the Negro, by virtue of his change in status, was in need of protection. Finally, there was actually no valid reason for not admitting him into the courts.

In recent months the legislatures of several states had ratified an amendment to the federal Constitution. Proposed by the Congress at its last session, this amendment proclaimed the abolition of slavery or involuntary servitude, "except as a punishment for crime." Moreover, it gave Congress the "power to enforce this article by appropriate legislation." Congress intended to protect the Negro. There could be no hedging on this matter. If the convention did not guarantee the freedman's basic rights of person and property, Florida's domestic

affairs would in all probability be settled in the halls of Congress.

Expediency also justified the measure. While a slave, the Negro had the "protection of his master, who felt an interest in his welfare, not only because he was a dependent and had been raised, perhaps, in his family, but because he was his property." As a freeman, the Negro had "no such protector." Unless given protection in a court of justice he might become the victim of any evil man, "whose avarice may prompt him to refuse the payment of his just wages and whose angry and revengeful passions may excite him to abuse and maltreat the helpless being placed by his freedom beyond the pale of protection of any kind."

The "sensitiveness" felt on the subject in "this and other Southern States," did not rest on sound principle. "For myself," declared Marvin, "now that the negro is free, I do not feel any such sensitiveness. I do not perceive the philosophy or expediency of any rule of evidence which shuts out the truth from the hearing of the jury." If permitted to testify in a courtroom, the Negro could not be said to have been granted a privilege. It was ultimately "the right of the State, in all criminal prosecutions, to have his testimony, in connection with other testimony, to assist to establish the guilt of the accused, and it ought, reciprocally, to be the right of the accused to have testimony to establish his innocence."²¹

²¹ Marvin was aware that there would be opposition to the admission of negro testimony; some members of the convention were honor bound to oppose the measure. Benjamin C. Truman wrote of a conversation with Marvin on the progress of Reconstruction in Florida. "He [Marvin] informed me that there was some opposition of strength, at first, to his doctrine of admitting negro testimony in the courts, and that some of

Since protection for the person and property of the Negro was so important to him personally and to the state collectively, Marvin felt impelled to recommend that the principle of security and protection for the rights of the colored people be written into the fundamental law of the state.

I recommend, that the Convention shall, by some suitable provision to be inserted in the Constitution, protect the colored in common with the white race in their liberty and in their rights of person and property, and guard the two races against discriminations to be made between them by the courts or Legislature in any matter touching upon these rights, and not leave the subject to the uncertain and varying action of the Legislature. I think a clause may be so drawn as to accomplish this object, and at the same time exclude the colored people from any participation in the affairs of the government.

The benefits that would accrue from such a declaration were patent. If the "colored race" felt that they were "fully and fairly protected in the exercise and enjoyment of their newly acquired rights of freedom," they would be "a quiet and contented people, unambitious of any political privileges, or of any participation in the affairs of the government." Such an atmosphere would stimulate the race "to be industrious and economical . . . to educate themselves and their children, and improve their physical, moral and intellectual condition." The Negro might also "be stimulated to labor by making vagrancy an offence punishable by temporary involuntary servitude. By "feeling the

the members came pledged to vote against the doctrine. The most prominent of these bilious gentlemen was Mr. Niblack of the Jacksonville and Lake City Railroad, but after finding himself in an inglorious minority, he thought better of the matter and 'took in his horns,' and so did many others, thus vanquishing the opposition almost entirely." Report from Tallahassee, dated December 7, 1865. New York Times, December 25, 1865.

power of the State over them to protect them when they do right and to punish them whey they do wrong," the race would learn "to venerate and respect the State's authority," and would "have a fair chance to work out their destiny, in a condition of freedom, as God in His wisdom may have appointed." If the race were not afforded "this protection, this equality of justice," they would "be deprived of the ordinary motives to industry and economy." Labor would then be "no more profitable than idleness." Discontent would prevail, and ultimately "the peace of society" would be disturbed and the "welfare of the State seriously affected."

The governor's final proposition, dealing with secession, was not, on the other hand, a matter for the convention to determine. The delegates were simply informed "that the Convention shall pass an ordinance declaring that the . . . ordinance of secession, passed by a convention of the people on the 10th day of January, 1861, was and is null and void. . . . "

As was his custom, Marvin closed his message by invoking a benediction on the audience. He asked that Almighty God enlighten the delegates' understandings and "incline" their "wills" so that they would do "whatever will advance His glory and promote the peace, the happiness and the welfare of all the people of our beloved State."²²

²²The text of the message may be found in the Journal of the Florida Constitutional Convention, 1865, pp. 8-15. See also Tallahassee Semi-Weekly Floridian, October 27, 1865; Gainesville Weekly New Era, November 4, 1865; Jacksonville Weekly Florida Times, November 23, 1865; Jacksonville Weekly Florida Union, November 4, 1865; Washington National Intelligencer, November 9, 1865; New York Herald, November 8, 1865; New York Times, November 10, 1865.

Marvin's message appears to have been favorably received by the delegates. The reporter covering the convention for the New York Times wrote his editor: "There seems to be a general disposition to adopt the recommendations of the Governor, though it is impossible now to say what may be done." There seemed to be "an earnest desire on the part of nearly all the members to conform to the requisitions of the government and the necessities of freedom."²³

The Florida Union, however, was somewhat critical. As a whole, the message was "a clear business-like document, fully covering the topics which it treats; and containing some wholesome suggestions to the Convention." The governor had been "forcible enough" on the subject of Negro suffrage, but he had not given sufficient emphasis to the subject of Negro testimony. Furthermore, it was regrettable that Marvin failed "to say one word about the State War Debt." Repudiation was "a grave and deeply interesting question to the people of Florida, and suggestions from the Governor would doubtless have weight with the Convention. . . ." Very "few questions of more practical importance" would come to the attention of the convention; hence "the Governor should have spoken out his views thereon."²⁴

²³Correspondent's report dated at Tallahassee, October 26, 1865. New York Times, November 10, 1865.

²⁴Jacksonville Weekly Florida Union, November 4, 1865.

Speech of Oliver O. Howard

After the convention had completed four days' work, the correspondent for the New York Times reported what seemed to be a change of heart among many of the delegates. The climate, he said, was now "not the most favorable to the acceptance of the policy recommended by Gov. Marvin." The organization of the convention committees was such that Union men were literally silenced. The structure of all seventeen committees practically ruled out the prospect of obtaining a positive report on "controverted points." It appeared that the delegates might dodge the "important question of admitting the negro to the courts, and giving him legal protection in his rights of person and property." Within the past few days a "hope" had come into being "that the Copperheads of the North were soon to have control of the government, and if the South [could] temporize awhile, [it would be able] to establish a sort of modified freedom or apprenticeship for the freedmen." The "decisive verdict of Republican Connecticut" against Negro suffrage tended to intensify this feeling.

Continuing, the reporter declared his belief that the "timely arrival" of General Howard, on October 29, might "check this spirit, and induce a more liberal view." Howard, "of all men," was well qualified to inform the convention of the policy of the government. It was hoped that he would "be called upon to express himself. . . ." ²⁵

²⁵ Correspondent's report dated at Tallahassee, October 29, 1865. New York Times, November 10, 1865.

On the evening of the fifth day of the convention, October 30, Howard, a young military officer recently appointed commissioner of the Freedmen's Bureau, did just this. He spoke to "a large number of citizens and members of the Convention in the Hall of the House of Representatives, . . . for an hour."²⁶ Because he was "sent out expressly by the President to restore the confiscated lands to their former owners, he was listened to with attention."

General Howard covered several subjects, among them the purpose of the Freedmen's Bureau, the importance of contracts between freedmen and their white employers, and Negro education. His comments on freedmen's rights and abandoned lands were more than likely received with mixed emotions.

A guarantee of the rights of "testimony" and "suit," declared Howard, were essential if Florida expected to resume its normal relations with the federal government. He took occasion to express to the Convention the feeling of the President and his cabinet" in regard to these matters, and urged the delegates to confer these rights upon the freedmen before adjournment.

²⁶A man of thirty-five, Howard was no stranger to Florida. Educated at Bowdoin College and West Point, he had served as chief of ordnance of the Department of Florida during the ante-bellum period. His advancement during the war was rapid. By 1865 he was a major general, and on May 12 of that year, he accepted the commissionership of the Freedmen's Bureau. J. G. de Roulhac Hamilton, "Oliver O. Howard," Dictionary of American Biography, ed. Allen Johnson and Dumas Malone, IX (1932), 279-280. For an estimate of Howard's qualifications and the story of his appointment, see Bentley, A History of the Freedmen's Bureau, pp. 50-56.

He said the President considered it a right which must be conferred upon them. . . . Every Provisional Governor and every lawyer he had conversed with, from Washington to this place, expressed the same opinion--that, now the protection of [the] master was gone, the law must afford it, and he knew of no other possible way but by suits and testimony in courts.

The matter of abandoned lands, Howard continued, was being settled. The Freedmen's Bureau had become "a sort of omnium gatherum of everything," but he had "regulated the matter of restoration as the President had directed." The law regarding abandoned lands had, unfortunately, "led the negroes to think they would have land all over the country." Although "wrong impressions," had been made, they "were being corrected."²⁷

Howard concluded by urging that all should work together "without paying any attention to political action and wire pulling, for the solution of problems that now perplex and try everyman [sic] in the country." This was a time "for sober, calm, deliberate thoughts and dispassionate and wise legislation."²⁸

Speech of William R. Coulter

On October 30, William R. Coulter, a delegate from Levy County, submitted an ordinance calling for the repudiation of all state liabilities

²⁷Earlier in the day Howard spoke to a meeting of freedmen at the Negro Methodist Church in Tallahassee. In addressing them he labored "to disabuse their minds of the widespread notion that the lands of their former owners were to be divided among them at the coming Christmas." For a report of this speech, see New York Herald, November 19, 1865.

²⁸For an account of Howard's speech to the convention, see ibid.

ties incurred between January 10, 1861, and October 27, 1865.²⁹ The following day the ordinance received its first reading. On November 1, the seventh day of the convention, the ordinance came up for its second reading, but was checked by the stalling tactics of the opposition. The fact that an attempt was made to postpone its consideration angered Coulter, and moved him to speak against postponement.

He [Coulter] considered it [repudiation] one of the most important measures that would come before the Convention. As for himself, he was anxious to have action taken upon it at once. The debt was contracted for an illegitimate object, to enable Jeff. Davis and Co. to carry on the war against the government of the United States, and he for one was in favor of repudiation. He was opposed to saddling upon the present and future generations a burden of debt which they could not and ought not to pay. He should vote against it now and for all time to come.³⁰

Coulter's effort, however, was to no avail. The second reading of the ordinance "was passed over informally."³¹

²⁹Journal of the Florida Constitutional Convention, 1865, p. 51.

³⁰For an account of the Coulter speech, see New York Herald, November 19, 1865.

³¹The repudiation issue elicited marked controversy. Several substitute motions were offered to counter repudiation. James T. Magbee of Wakulla County, who had supported secession and the Confederacy, moved that the question be submitted to a popular vote and that the electorate mark their ballots "pay" or "repudiate." David P. Hogue, a Leon County attorney whose stand earned him the reputation of a compromiser, moved that a tax be levied to create a fund to purchase the liabilities. At one point, November 4, Magbee's substitute motion was passed by a vote of twenty-eight to twenty-one. For an account of the repudiation question, see Journal of the Florida Constitutional Convention, 1865, pp. 51, 75, 77, 81-87, 93-96, 101, 108. For biographical data on Magbee and Hogue, see Tampa Sunday Tribune, July 21, 1957; Jacksonville Weekly Florida Times, November 23, 1865.

Letter of Thomas Brown and Speeches of Thomas
T. Long, Samuel Spencer, and Thomas Baltzell

The proceedings of the eighth day began with the reading of a letter addressed "to the President and members of the Convention." Authored by Thomas Brown, a former Whig who had served as governor of Florida, the communication was replete with advice.³²

In Brown's opinion, the delegates had been elected to frame a constitution which would enable Florida "to be received back into the Union as a sovereign State. . . . This [was] the all absorbing question, and no obstacles should be allowed to interfere which would . . . impede her speedy reception." Martial law was "humiliating to all true patriots and statesmen," and made the "immediate admission" of the state "paramount to all other considerations." The only obstacle was making "suitable provision for the protection of the emancipated slaves."

Abolition was a settled question. The delegates had to accept it as such. They could protect the freedmen by passing an ordinance entitling them "to all the rights and protection of law . . . enjoyed by the white citizens of the State," and by prohibiting the legislature from passing any law impairing those rights. The privileges of suffrage,

³²Because of his age and experience, Brown was well qualified to advise the convention. A one-time resident of Virginia and a member of the Virginia House of Delegates, he and his family had moved to Florida and settled at Tallahassee in 1826. He served as judge of the county court during the territorial period and was a member of the state legislature in 1845. Three years later he became the first Whig to be elected governor of the state, and served from 1849 to 1853. "He opposed . . . secession, but when the Rubicon was crossed he was not backward in giving his sympathies and counsels in behalf of his struggling countrymen." Tallahassee Semi-Weekly Floridian, August 27, 1867.

of holding office, and serving on juries were limited in "all constitutional governments." "Sound State policy" demanded "that these rights, duties and privileges should not be granted to emancipated slaves under present circumstances."

Giving the Negro the right to testify would not create any "great evil." A court and jury would weigh the testimony and prosecute those convicted of perjury.

What was of "great importance" to the people of Florida was that the constitution be "so framed as to leave no doubt of her speedy admission to her political privileges in the Union. . . ." The document should be of such form and spirit "that our able and patriotic Provisional Governor could give it his cordial approval and recommendations."

Following the reading of this letter "considerable feeling was manifested by some of the members. . . ." Thomas T. Long, an ex-Confederate, and Samuel Spencer, a Gainesville attorney,³³ gave speeches "denouncing the communication as uncalled for and insulting to the Convention." They were there "to perform certain things in accordance with the wishes of their constituents, and wished for no advice from outside parties." Both men supported a motion that "the communication be laid on the table indefinitely."

Thomas Baltzell, an ex-secessionist turned "conservative," rose to counter the efforts of Long and Spencer. He stood tall, six feet two, and "erect," belying his white hair and sixty years. Utilizing

³³Gainesville Weekly New Era, March 16, 1867.

his "full, clear voice," he delivered a "very sensible, eloquent and earnest speech against the proposed disposition of the communication, and paid a high tribute to Governor Brown."³⁴

After hearing Baltzell, the convention "decided to receive the communication and place it on file."³⁵

Speech of Marvin

By four o'clock on the afternoon of November 7, the convention had completed its work. Before adjourning, the delegates appointed a committee to call on Marvin and "invite him to address [them] previous to their departure."³⁶ The committee returned accompanied by the

³⁴Baltzell, a "distinguished lawyer" and the "clearest and ablest debater" of the convention was probably closely allied with Brown, both personally and politically. A resident of Leon County, he was said to possess a "massive head with hair almost white; expansive forehead surmounting a face which though not inferior, hardly sustains the intellectual cast of head; a mild grey eye; broad shoulders and erect form; a full, clear voice, and an easy utterance, with volubility. . . ." The ideas in his speeches were "well arranged and presented with force and effect." In his convention speeches "he took broad and high ground and had expansive views of state interests and state policy." Jacksonville Weekly Florida Times, November 23, 1865; New York Times, November 10, 1865.

³⁵For a copy of the Brown letter and an account of the speeches of Long, Spencer, and Baltzell, see New York Herald, November 19, 1865.

³⁶Two committees waited on Marvin to request that he communicate with the convention. The first was sent to ask "if he [had] any communication to lay before the Convention." This committee reported that "the Provisional Governor had no communication to make." A second committee waited upon him with instructions to "invite him to give oral expression, . . . of his approval or disapproval of the action of the Convention upon the topics contained in his communication to this body on its assembling." Journal of the Florida Constitutional Convention, 1865, pp. 119-120.

provisional governor. His entrance was received "with cheers." After some "hesitation" and "with much embarrassment" Marvin began to speak.

He thanked the audience for "this invitation," and indicated his speech would be informal and impromptu in nature. He had not planned on speaking. Hence, his remarks would be somewhat "unconnected."

The first portion of the governor's speech contained an evaluation of the convention's labors. As a citizen of the state, there were "some things" which he "wished might have been done differently. . . ." ³⁷ As provisional governor, however, he was "entirely satisfied" with the result. "You have done everything, that, in my official capacity, I asked you to do. You have done it all, and in the right spirit." ³⁸ The group received "especial commendation" for its action on Negro testimony. This issue had been met "fairly and squarely." The conventions of "all the other Southern States" had evaded the question "by transferring it to their Legislatures." Florida's action in this respect was "fully in accordance with the wishes of the President" and would place her in a "better position" than the other states. Marvin felt "no hesitation" in declaring that "with such a Constitution . . .

³⁷The convention failed to follow through on one of Marvin's suggestions when it "side-stepped the issue of providing a 'bill of rights' for the freedmen within the framework of the constitution." See Ackerman, "Florida Reconstruction from Walker through Reed, 1865 to 1873," p. 48.

³⁸Slavery was abolished; the secession ordinance of 1861 was annulled; and the state's confederate debt repudiated. The Negro was given the right to testify in cases involving other Negroes, but was not given the privilege of suffrage. For an historical treatment of the convention's acts, see *ibid.*, pp. 46-49; Davis, The Civil War and Reconstruction in Florida, pp. 361-365.

the Florida delegation will be admitted to seats in the Congress of the United States.

After this positive declaration, Marvin announced that he had "a single remark to make, before concluding, in regard to our domestic affairs." His concern was for the preservation of peace and good order during the approaching holidays. The problem, as Marvin stated it, centered in the colored people's desire to test their freedom.

As I have had the opportunity, I have conversed freely with the more intelligent colored people, and with others of less intelligence. Although I am an old citizen of the state, and all my life a slave-holder, yet, as I came here from the North, and with my appointment from the President of the United States, they talk more freely to me than they do to you. I find their minds are exercised with fears as to their treatment hereafter by their former owners. They fear that their old owners will love them less, and treat them with less respect and kindness than in time past. This is all very natural. They themselves formerly looked down upon free negros, as beneath them; and now finding themselves free negros, they fear there will be little kindness and respect shown them by their former owners. . . . Nearly all of them, at the end of the year, will want to leave their old homes. Their feelings is that they will not be free unless they go off from where they have been living. This idea is in their heads, and I find there is no use in talking to them on the subject.

Since "talking" would fail to convey the fact of freedom to the Negro, other methods must be tried. Marvin suggested two alternatives.

One was to give the Negroes a chance to "find freedom" by allowing them to roam at will during the holiday season. Marvin knew that his suggestion would not interfere with the agricultural cycle, for the Christmas holidays marked the interim between the harvesting of one crop and the initial preparations for another.³⁹

³⁹Having been a Florida resident for twenty-eight years, Marvin was familiar with the patterns of plantation life. Hence, he was aware

When Christmas comes, . . . give them full liberty to go where they please. Offer no objections, and attempt to interpose **no restraints** upon their movements. And I will say to you that the officer in charge of . . . the Freedmen's Bureau, is now, with my assistance, and guided very much by my suggestions, preparing a Circular on this subject. They will be given from Christmas until the middle of January to roam where they please, and do what they please, provided they do not violate the laws. By the end of that time, it is hoped, they will have made arrangements for next year ei[ther] by returning to their old homes and contracting with their former owners, or entering into engagements elsewhere.

Should this plan fail, more drastic measures would have to be devised. If at the end of the roaming period the Negroes were "still wandering about the country, without homes, and with no visible means of support, they will be taken up and dealt with as vagrants, under the law."⁴⁰

Marvin promised to exert his personal influence in solving this problem. "I shall make it my duty, . . . to go about and address them." He would tell them "that their real friends are not Northern but Southern people--their former masters." He would "point to what you have done for them. . . in the Constitution . . . adopted, to secure their rights, liberty, persons and property, by prohibiting the existence of slavery . . . and allowing them to sue and testify in the Courts of the country." He urged the delegates to exert their personal influence to

that the Christmas season, "between the gathering of one crop and the preparing of ground for another, was a time of frolic for southern Negroes." Bentley, A History of the Freedmen's Bureau, p. 82.

⁴⁰The convention passed an ordinance making vagrancy punishable by fine, imprisonment, or by "being sold for a term not exceeding twelve months, at the discretion of the court. . . ." Ackerman, "Florida Reconstruction from Walker through Reed, 1865 to 1873," p. 47.

promote peace and good order in their respective communities.

A brief announcement regarding the disposition of colored troops was the speaker's final point. The audience would, no doubt, be pleased to hear that all the colored troops were to be removed from the interior and transferred to the seaboard. Further, there was no need to fear an "insurrection" or "outbreak" on the part of the colored people, for there were approximately a thousand white troops in the state. This force, properly distributed, would form a "nucleus for the militia in case of insurrection. . . ." ⁴¹

Marvin concluded as he had begun, by congratulating the convention on the result of its labors. Under the constitution adopted, Florida had before her "a future rich in its promise of prosperity and happiness to her people." Following the speech, which "was concluded amid loud applause," the constitution makers adjourned sine die.

For the most part, the New York and Florida papers limited their reports of the speech to factual accounts of its contents and the circumstances surrounding its delivery. The Florida Union, however, praised it as "admirable," and ventured the impression that Marvin "was particularly happy in his suggestions of the policy to be pursued towards the negro. . . ." ⁴²

⁴¹ Marvin had been asked via a convention resolution to have the colored troops removed from the state. Ibid., p. 49. Their removal to the seaboard got them out of the "black arc," where their presence was a potential cause of trouble.

⁴² For accounts of the Marvin speech, see Tallahassee Semi-Weekly Floridian, November 10, 1865; Jacksonville Weekly Florida Times, November 23, 1865; Jacksonville Weekly Florida Union, November 18, 1865; New York Times, November 26, 1865. E. D. Tracy, the president of the

Editorial reactions to the work of the convention varied from critical analysis to unqualified praise. The Florida Union, which championed unqualified acceptance of the presidential terms, criticized the body's vacillation on the question of repudiation. A telegram from President Johnson to Governor Holden of North Carolina, stating that repudiation was "a sine qua non to . . . restoration," had been required before the convention removed the "odious burden" of debt from the shoulders of Florida's people. The ordinance on Negro testimony was a half-way measure; Negroes could testify in "cases affecting the 'rights or remedies of colored persons' only. . . ." At least the convention had not eliminated the possibility that future legislation might "extend the latitude" of this right.⁴³ The Floridian, a Democratic paper, proclaimed that Floridians could "congratulate themselves on having had men of ken sufficient to accept the logic of events--to take facts as presented and act upon them in a frank and manly way."⁴⁴ The Republican-owned Florida Times thought that at first there had been "a desire . . . to evade the issues with the federal government; but after an interchange of opinion and mature reflection, nearly all came manfully up, like honest citizens, and accepted the necessities of the situation gracefully and properly."⁴⁵ An unidentified correspondent for the New York

convention, also delivered a farewell speech on November 7. Like Marvin he thought the delegates had "perfected a Constitution that will restore Florida to her original position in the Union. . . ." For the text of the Tracy speech, see Jacksonville Weekly Florida Times, November 23, 1865.

⁴³Jacksonville Weekly Florida Union, November 11, 1865.

⁴⁴Tallahassee Semi-Weekly Floridian, November 14, 1865.

⁴⁵Jacksonville Weekly Florida Times, November 23, 1865.

Times thought the Florida convention did "not go one hair's breadth further than they [thought] necessary to satisfy the Administration." It seemed that "the rights of the colored population [would] have to be guarded by direct action of the Federal Government. . . ."46

This correspondent's reports mellowed, however, as the delegates finished their labors. "The Constitutional Convention has, . . . summated its work in a manner highly creditable to the State. . . ." An opponent of "negro equality" and "rejection of the rebel debt" proposed on the last day that the constitution be submitted "to the people for ratification." Fortunately he had been resisted by the "friends of the government." The "'sober second thought,' under the influence of Gov. Marvin, . . . secured a fundamental law free from all objections. . . ."47

Benjamin C. Truman, the Times correspondent, wrote his editor that Florida's constitution makers "manifested no evasion or double-dealing"; in all "essential particulars," they "honorably and gracefully met the requisitions of the President of the United States."48

The Rhetoric

As we have observed, William Marvin saw his mission as provisional governor as threefold: (1) to induce the people of the state to acquiesce in the President's plan of reunion; (2) to promote

⁴⁶New York Times, November 17, 1865.

⁴⁷Ibid., November 26, 1865.

⁴⁸Ibid., December 25, 1865.

economic and social stability; and (3) to persuade convention delegates and officials of the new state government to comply with the requirements of presidential Reconstruction. The very fact that the convention met serves as a dramatic indication that Marvin succeeded in accomplishing his first goal.

The primary objective of the speaking done at the convention was to persuade the delegates to frame a state constitution in keeping with the President's terms of reunion. Marvin, who was charged with the responsibility of supervising Reconstruction in Florida, naturally played the lead role in inspiring and directing the convention's work.

As he prepared for this assignment he adapted his rhetoric to meet the requirements of the audience and the occasion. Owing to the Negro's exclusion from politics, the membership of the convention was restricted to representatives of the white population. Most of the delegates were revolutionists. Men who had not seen Confederate service or had not supported secession were in a decided minority.

The occasion, the meeting of the convention, did not present new or unique problems. The delegates, like the pre-convention audience, had to be persuaded to comply with the terms of reunion because President Johnson had prescribed the democratic process as the method of Reconstruction. If, for one reason or another, the delegates decided not to make the adjustments required by the President, they could reject his plan by voting against any one or all of the terms contained therein. On the other hand, persuading the delegates to comply with the presidential terms of reunion did not require the same caliber of persuasion that had been

necessary to get the people of the state to acquiesce in the plan as a whole. In the light of these facts, Marvin designed a rhetoric which was appropriate for the purpose of persuading delegates to make political adjustments which had already been approved by the people of the state.

Acting in accord with the custom of the day, he sent a message to the convention in which he set forth the terms which that body would have to ratify, and supplied pathetic and logical appeals to effect such ratification. He so arranged his points, and so worded and supported them that instruction was skillfully blended with persuasion.

The hardest doctrine of all--the abolition of slavery--was taken up first. Recognizing the Negro's freedom was, he declared, a matter of logic and honor. Abolition was an accomplished fact and in taking the amnesty oath, all the members of the convention had sworn to support the freedom of the slave. Further, formal acknowledgment of abolition was a necessary stepping stone to reunion.

After identifying abolition as a non-controversial proposition, Marvin reiterated the core of the strategy of acquiescence by emphasizing what was not required: "Persons may be free without the capacity to hold office, . . . sit on a jury, or . . . vote at elections." Special emphasis was the method used to play up this face-saving appeal. A third of the message was given over to distinguishing between the rights of freedom and the privileges of citizenship.

By placing this theme second, the provisional governor softened the demand for abolition. His method of arrangement, moreover, rendered

the mandates that followed--the recognition of the Negro's rights as a freedman and the renunciation of secession--less odious. The President's request that the people protect the freedmen by making them the equal of the whites before the law and by guaranteeing their right to sue and to testify, did not appear unreasonable so long as the white people were assured of political supremacy. In addition to rendering this mandate less objectionable through rhetorical arrangement, Marvin stressed the benefits that would result from its adoption. Combining cause to effect reasoning with appeals to the southerner's desire for self-rule, racial supremacy, and economic security, he predicted that if the convention ratified the mandate, along with the other terms, Congress would probably recognize Florida's senators and representative. Moreover, the freedmen would be content, "unambitious of any political privileges," and would, through their industry, contribute to the state's prosperity.

Instructions regarding the secession ordinance were placed at the end of the message. Marvin simply advised the delegates to renounce the ordinance of 1861, and did not provide any reasons or motives for doing so.

The style of the provisional governor's message contributed to his persuasive effect, for it suggested that nothing less than prompt and complete ratification of the President's terms of reunion would suffice. Explanations were straight-forward and, in some cases, abrupt. Short declaratory sentences were frequently employed for emphasis. A factor contributing to an impression of formality was Marvin's heavy

reliance on logical and pathetic proofs. Ethical appeals were seldom used. He employed the personal pronouns "we" and "our" sparingly. He made little or no effort to establish his authority to advise the convention, nor did he attempt to identify himself with Florida and her people. Neither did he try to create a favorable attitude toward the federal government. Its "majesty and might" were no longer compared with its "clemency and mercy."

There were other "voices" in the convention, but they were little more than echoes of Marvin's persuasion or outbursts on the part of recalcitrant "rebels." A federal official, Oliver O. Howard, and one of Florida's elder statesmen, Thomas Brown, supported the provisional governor by emphasizing the finality of abolition and by urging that the freedmen be given proper protection.

The delegates were allowed to speak freely, but there was little they could say on matters that had already been settled by war. A debate did break out over the repudiation of the state's war debt, but this was a rhetorical accident precipitated by the democratic atmosphere of the convention and by Marvin's failure to declare repudiation "a settled question." In fact, so far as the writer knows, Marvin did not mention repudiation in any of his pre-convention speeches. Thus while conquered "rebels" could and did speak out, their speaking was limited to a debate over an issue that was not debatable, to a dispute over the propriety of receiving a communication from a former Whig governor, and to ceremonial discourse.

Marvin's speech on the final day of the convention reveals that despite these outbursts, the delegates brought Florida one step closer to reunion. The process of political adjustment, however, did not end with the work of the convention. Three more steps remained: (1) The people had to create a new state government by electing state officers. (2) The new legislature had to ratify the proposed Thirteenth Amendment to the federal Constitution. (3) The legislators had to pass laws guaranteeing the freedmen equality under the law.

In surveying the convention rhetoric, we have noted some of the characteristics of the broader rhetoric of adjustment. Final generalizations regarding this rhetoric must, however, be reserved until we have had an opportunity to analyze the speaking that was an integral part of the inauguration of Florida's Conservative government. To this subject we now turn.

CHAPTER V

SPEAKING AND THE INAUGURATION OF CONSERVATIVE GOVERNMENT: A RHETORIC OF ADJUSTMENT

The Scene

On November 8, the day following the adjournment of the Constitutional Convention, Marvin, acting under the instructions of the Convention, issued a proclamation ordering an election of state officers on November 29, 1865.¹ Before any pre-election activities could be planned, another proclamation announced a partial restoration of civil authority on the municipal and county levels. "Civil officers . . . who were discharging the duties of their respective offices prior to, or during the month of May A. D. 1865," could now "resume the function of their offices," with the understanding that certain powers remained under the exclusive jurisdiction of the military.² This kind of

¹The Marvin proclamation stipulated that the November 29 election was for the selection of a governor, a lieutenant-governor, secretary of state, treasurer, comptroller, attorney-general; a circuit judge and a solicitor for each judicial circuit; a judge of probate, sheriff, clerk of the Circuit Court, tax assessor and collector, county commissioners, coroners, justices of the peace, and county surveyors for each county; members of the state legislature, and one representative to the United States Congress. Tallahassee Semi-Weekly Floridian, November 17, 1865.

²According to the proclamation of November 10: "Exclusive jurisdiction and authority" were reserved to the military in cases involving "offences committed by their own troops and in the trial of all cases of rape, murder, man-slaughter, arson, burning of cotton, gin-houses, or other outhouses, assaults and battery with an intent to kill or to commit rape, robbery, burglary and unlawful riotous assemblages requiring military force to suppress them. . . ." Further, the authority conferred upon the Freedmen's Bureau "by an Act of Congress and by General Orders issued by the War Department," was reserved to the Assistant Commissioner and the "Agent of the Freedmen's Bureau" in the state. For a copy of the

news, no doubt, encouraged a conquered people laboring for self government.

In the twenty-one days that followed Marvin's proclamation of November 8, preparations were made for the election. Many would-be voters and office holders occupied themselves with the chores of pardon seeking and electioneering.³ The press played an important role throughout this period by supplying information on the candidates. In fact, some groups nominated their candidates by writing a letter to the editor recommending a particular individual, and signing themselves "A VOTER" and "MANY FRIENDS."⁴ Some office seekers used the press to announce their

proclamation, see Jacksonville Weekly Florida Times, December 7, 1865. The Tallahassee City Council held its first meeting within a week of the proclamation appearance. Tallahassee Semi-Weekly Floridian, November 17, 1865.

³The qualifications for voters in the November election were the same as those prescribed for the election of convention delegates. Some prospective voters and candidates for office who had not qualified for the October 10 election, because they were yet unpardoned, sought to qualify for the November contest. For instance, A. M. Reed, a Florida plantation owner, reported the receipt of his pardon in his diary, the entry being under the date of November 20, 1865. "Came down from Mulberry Grove to Jacksonville in small boat. Received Pres. Johnson's pardon this morning dated September 18, 1865, and acknowledged receipt to W. H. Seward, Secy. of State, Washington." Diary of A. M. Reed 1848-1899, and a Portion of 1900 by Others" (typescript copy prepared by the Historical Records Survey Works Progress Administration, 1939), in P. K. Yonge Library of Florida History, University of Florida, Gainesville, Florida.

Reed probably learned of his pardon from a newspaper announcement. The Tallahassee Floridian listed the pardons in "the Governor's hands, ready to be delivered upon application of the parties interested." Among the sixty-seven names listed were those of A. M. Reed, J. F. McClellan, Paul Arnau, and E. J. Vann. McClellan, Arnau, and Vann were candidates for the 1865 legislature. Tallahassee Semi-Weekly Floridian, November 10, 1865.

⁴For examples of write-in nominations, see ibid., November 14, 1865.

own candidacy.⁵ Others, of course, were the choice of local political groups.⁶

The only nominee for governor was David S. Walker.⁷ A native of Kentucky, Walker had been a popular politician even before Florida became a state. He served in the territorial House of Delegates, and after 1845, in both branches of the state legislature. After failing in his bid for the governorship in 1856, as the candidate of the American party, he was elected associate justice of the Florida Supreme Court in 1859, serving in that position throughout the war.⁸ A former Whig

⁵Ibid., November 10, 17, 21, and 28, 1865.

⁶A Gainesville politician informed Yulee: "We had much trouble for a time on the question of getting a suitable person to run for the Senate. This we arranged satisfactorily at the last moment by centering upon O. H. Roper, who like [Robert H.] Hall and myself was duly elected. . . ." Frederick C. Barrett to David L. Yulee, Gainesville, December 4, 1865, Yulee Papers. The Alachua County nominees were named at a county convention. Gainesville Weekly New Era, October 7, 1865.

⁷As early as September, David S. Walker sensed that the political climate favored his candidacy for the governorship. He wrote Yulee: "I sincerely thank you for the interest you take in my election to the office of Govr. Public opinion still seems to point to me as the next incumbent of that office and the chances are that I shall be a candidate." David S. Walker to David L. Yulee, Tallahassee, September 12, 1865, Yulee Papers. Franklin C. Barrett, later elected to the legislature, informed Yulee: "Walker will have no opposition for Governor." Franklin C. Barrett to David L. Yulee, Gainesville, November 13, 1865, ibid.

⁸David S. Walker was born in Logan County, Kentucky, in 1815, and received his education in the private schools of Kentucky and Tennessee. A cousin of Richard K. Call, territorial governor of Florida, Walker moved to the state in 1837. During the years 1837-1845, he practiced law and served in the territorial House of Delegates. In 1845, he was elected to the state Senate; in 1848, he became mayor of Tallahassee; in 1849, he represented Leon County in the House of Representatives; in 1850, 1854, and again in 1858, he was elected registrar of state lands, an office which carried with it the superintendency of schools; in 1859, he was elected to the bench as associate justice of the state Supreme Court for

and Constitutional Unionist, Walker opposed secession in 1860, and therefore qualified as a spokesman for conciliation in 1865. At the same time, despite his opposition to disunion, he stood with his state under the Confederacy and could, therefore, appeal to the sympathies of southern voters. This made Walker a logical candidate for the leadership of the "Conservative" party, a party composed of old antagonists--former Whigs, Constitutional Unionists, and Democrats--now united in political brotherhood.⁹

Charles E. Dyke, editor of the Floridian and a staunch Democrat, hailed the former Whig's candidacy with unqualified enthusiasm: Walker was "the man of all others for Governor." Circumstances required that those given "the management of affairs of State must be men capable of original thought, firm, vigorous, and possessing moral courage of the first quality." All of these attributes could be found in the character

a term of six years. Elected governor in 1865, Walker served until June of 1868, when he was succeeded by the newly elected Republican governor, Harrison Reed. In 1879, Walker accepted an appointment as judge of the second judicial district and served until his death on July 2, 1891. "David S. Walker," Dictionary of American Biography, XIX (1936), 341-342; "David S. Walker," National Cyclopaedia of American Biography, XI (1909), 379-380; R. S. Cotterill, "David Shelby Walker," Tallahassee Historical Society Annual, I (February, 1934), 56-60; Gainesville Weekly New Era, November 13, 1865.

⁹After the war Florida's Democrats joined with former Whigs and Constitutional Unionists in what came to be known as the "Conservative" Party. The differences between this party and the old Democratic party were those of a changed membership and the fact that Democrats, who were temporarily silenced because of their sponsorship of an ill-fated war, endorsed the leadership of moderate men like David S. Walker. William T. Cash, History of the Democratic Party in Florida (Tallahassee, 1936), pp. 46-49; C. Vann Woodward, Reunion and Reaction (New York, 1956), p. xiv; Buck, The Road to Reunion, 1865-1900, pp. 35-36.

of "Judge Walker." Dyke also recognized William W. J. Kelly, candidate for lieutenant-governor, and former member of the Confederate Navy Department, as "a man of . . . sterling character and principles." He believed that Kelly would have no opposition in being elected Florida's first lieutenant-governor.¹⁰ The Gainesville and Jacksonville press echoed Dyke's endorsement of Walker and Kelly.¹¹

As the day of the election approached the press gave increased attention to the character and qualifications of those seeking seats in Congress and the Florida legislature. Some of the aspirants for the lone congressional seat were viewed with suspicion. The Floridian believed "that among the half dozen candidates who have presented themselves, there are at least some . . . whose presumption is as sublime as it is ridiculous in seeking such a position. . . ."¹²

¹⁰Tallahassee Semi-Weekly Floridian, November 10, 1865. Kelly had been a delegate from Escambia County to the constitutional convention. Journal of the Florida Constitutional Convention, 1865, pp. 3-4. He had also been a major in the federal army before joining the Confederate service. Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, pp. 1-6.

The office of lieutenant governor had been created by the convention. The constitution makers, mindful of Governor John Milton's death in April of 1865, and wary of any future political crisis, no doubt considered legal provision for gubernatorial succession essential to political stability.

¹¹Kelly was a man of "age, talent, gallantry, and experience." Walker possessed "commanding talents and courteous demeanor." Gainesville Weekly New Era, November 13, 25, 1865. See also Jacksonville Weekly Florida Union, November 18, 1865; Jacksonville Weekly Florida Times, November 23, 1865.

¹²Tallahassee Semi-Weekly Floridian, November 21, 1865. The candidates for Congress were: Ferdinand McLeod, David P. Hogue, William H. I'Anson, W. H. Ives, J. W. Culpeper, James F. P. Johnson, and John W. Price. Gainesville Weekly New Era, January 20, 1866.

Those elected to the legislature would be participants in a session which, in terms of importance, could not be compared with any "in our history." The people were urged to give their utmost consideration to "a matter which so deeply concerns them, and . . . put forward and elect, not the cleverest fellows of their acquaintance in the American sense of that epithet, but those most competent to serve them."¹³

After the ballots had been counted, it was discovered that only about four thousand persons had voted. The aggregate vote was less than that cast for convention delegates on October 10, and reflected the judgment of only about half the number of persons registered.¹⁴ Those who did vote, however, made it clear that they considered the ex-Confederates and secessionists as "those most competent to serve them."¹⁵

Walker was elected governor without opposition. Kelly, an ex-Confederate officer, became the state's first lieutenant-governor.¹⁶ Benjamin F. Allen, who served in Confederate ranks, was made secretary of state.¹⁷ Charles H. Austin, treasurer of Florida's Confederate

¹³Tallahassee Semi-Weekly Floridian, November 21, 1865.

¹⁴Davis, The Civil War and Reconstruction in Florida, pp. 365-366.

¹⁵Ibid. One witness observed that there were not "three hundred Union votes in the whole State of Florida." Testimony of John W. Recks. Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, p. 3.

¹⁶Colonel T. A. McDonnell of Alachua County seems to have been a last-minute entry in the contest for the lieutenant-governorship. Tallahassee Semi-Weekly Floridian, November 21, 1865.

¹⁷Allen, who was called from Confederate army service and appointed secretary of state by Governor John Milton in 1864, was elected over James T. Magbee, Samuel R. Sessions, William Scott, and L. T. Deshong. Ibid., November 10, 1865; Gainesville Weekly New Era, January 20, 1866.

government, was re-elected to the same position.¹⁸ John B. Galbraith, an avid supporter of secession in 1860, became attorney general,¹⁹ and Ferdinand McLeod, a Lake City attorney who could not take the federal test oath, was elected as representative to Congress.²⁰

¹⁸Tallahassee Semi-Weekly Floridian, November 10, 1865.

¹⁹Galbraith succeeded himself as attorney-general, defeating A. L. Woodward. He had held the position for a number of years and was "unanimously re-elected to it at the last session of the General Assembly. . . ." Ibid.; Gainesville Weekly New Era, January 20, 1866. As speaker of the Florida House of Representatives in 1860, Galbraith delivered a speech that would have pleased any secessionist. He declared: "The Southern mind is indignant at the result, [Lincoln's election] and the Southern soul is in arms. The people of Florida cannot, must not, will not submit tamely to these insults and wrongs." For an account of the speech, see Kearney, "Political Speaking in Florida from 1859 to 1861," pp. 116-117.

²⁰McLeod, a native of North Carolina, was educated at Laurel Hill Academy and received a degree from Hampden Sydney College in 1844. After several years of teaching and farming in his native state, he moved to Florida and settled in Lake City about 1856. In subsequent years he formed a law partnership with James M. Baker, later associate justice of the Florida Supreme Court, and in 1866 formed another partnership with the famed ex-Confederate, General Jesse J. Finley. It was felt that McLeod "had congressional blood in his veins" because his grandfather, Duncan McFarland, had represented North Carolina in Congress during Jefferson's administration. Lake City Press in Tallahassee Semi-Weekly Floridian, February 16, 1866.

The test oath was a wartime measure passed by Congress in 1862. The law required a loyalty oath of "every person elected or appointed to any office of honor or emolument, civil, military, or naval, or any other department of the public service, except the President of the United States. . . ." The individual had to swear that he had "never voluntarily borne arms against the United States since . . . a citizen thereof"; that he had "voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto"; that he had "neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States"; that he had not "yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto . . ." and that he would "support and defend the constitution of the United States. . . ." Southern senators and representatives expecting to take their seats in Congress would be required to take the oath. Jacksonville Weekly Florida Times, October 12, 1865.

Reactions to the outcome of the election varied. The Republican Florida Times hailed Walker's election as a "peculiarly fortunate" event "at this important period in [Florida's] history." The new Governor's "purity of character and long tried integrity [gave] full assurance that her interests will be safe, while his ability and experience afford sufficient guarantee against errors and executive entanglements."²¹ Viewing the election as a whole, however, the Florida Times declared that there was "an ill-concealed feeling to proscribe from office and public position all who have not fully identified themselves with the rebellion." If a candidate made the claim "that he [had] always been true to the Union" he insured his own defeat. On the other hand, if a candidate had "borne arms against the government," he possessed "a passport to honor and distinction."²² Benjamin C. Truman, a correspondent for the New York Times, was more favorably impressed with Walker's political background than with his qualities as a leader. The governor-elect was "a very moderate, upright man, but not a very strong one. . . . He was an Old Line Whig, and was extremely opposed to secession." The people, continued Truman, had not acted wisely in their selection of a representative to Congress. "The straight-out Union candidates for Congress were all defeated, and a man . . . [McLeod] elected who cannot take the test oath." It was "a pity that a conquered people [persisted] in acting awkwardly." Ultimate blame for these results, however, rightfully belonged with "those mountebanks who held office before the war,

²¹Ibid., January 4, 1866.

²²Ibid., December 7, 1865.

and who went into the war . . . to get more office, and who now pitch in for the President's policy, with the ardent hope of recovering their old positions in office."²³

A confederate majority was also evident in the new legislature.²⁴ Charles Sumner, leader of the Radical Republicans in the United States Senate, declared in a speech before that body on January 19, 1866, that "the [Florida] Legislature [was] four fifth rebel officers, from Brigadier General Joseph Finnegan down to a corporal."²⁵ A federal appointee in Florida testified that the members of the legislature, most of whom were ex-Confederates, were still rebels at heart.²⁶ The Republican Florida Times, as noted above, held that identification with the

²³Reports of Benjamin C. Truman, dated at Tallahassee, December 7 and 11, in New York Times, December 25, 1865.

One of the defeated Unionist candidates for Congress was John W. Price. Price represented Florida at the National Convention of Southern Unionists, which met in Philadelphia in September of 1866 to support Congress in its struggle with President Johnson. Ibid., September 5, 1866.

²⁴For a list of the members of the Florida Senate and House of Representatives, see Journal of the Proceedings of the Senate of the General Assembly of the State of Florida (Tallahassee, 1865), 14th General Assembly, 1st Sess., pp. 3, 9. Cited hereafter as Florida Senate Journal; Journal of the Proceedings of the House of Representatives of the General Assembly of the State of Florida (Tallahassee, 1865), 14th General Assembly, 1st Sess., pp. 44-45. Cited hereafter as Florida House Journal.

²⁵Congressional Globe (Washington, 1866), 39th Cong., 1st Sess., Pt. 1, pp. 312-313.

²⁶When Senator George H. Williams of Oregon asked John W. Recks, collector of customs at Pensacola, about the membership of the Florida legislature, Recks replied: "They were rebels during the war in the confederate service; some of them, . . . with the rank of captain, and at heart to-day they are as good rebels as they ever were." Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, p. 3.

Confederacy constituted a passport to office. The Tallahassee Floridian, on the other hand, denied that "successful candidates owed their election as a general thing to any other fact than their character and qualifications." In Gadsden County, for example, a Confederate officer who had lost an arm in battle was an unsuccessful candidate for the legislature. Further, the senator elected from Madison County was "a gentleman who was at no time in the military service of the Confederacy."²⁷

Information on the legislators whose identity is known supports the charge of rebel rule. There were three notable examples. Leon County was represented in the Senate by Theodore W. Brevard, a former Confederate lieutenant colonel who had seen action at Jacksonville and Olustee in Florida, and at Cold Harbor in Virginia.²⁸ One of three representatives from Gadsden County in the House was none other than Colonel John J. Dickison, better known as "the war eagle of Florida."²⁹

²⁷Tallahassee Semi-Weekly Floridian, December 15, 1865.

²⁸As a member of the Florida Senate in 1859, Brevard delivered a speech upholding Governor Madison S. Perry's declaration that Florida would be justified in seceding from the Union. He also gave several speeches in support of the Democratic party in the campaign of 1860. For an account of his ante-bellum speaking, see Kearney, "Political Speaking in Florida from 1859 to 1861," pp. 19-22, 66, 70, 95-96, 102. For a resume of Brevard's military career, see Soldiers of Florida in the Seminole Indian, Civil and Spanish-American Wars (Live Oak, 1903), p. 335. Cited hereafter as Soldiers of Florida.

²⁹In reporting Dickison's election, one newspaper declared: "Col. J. J. Dickison, the war eagle of Florida, has been elected to the Legislature. . . ." Gainesville Weekly New Era, December 9, 1865. Residents of Gainesville had reason to salute him as a "war eagle," for Dickison had redeemed the city from federal occupation on two occasions in 1864. He served as a captain in the Confederate army and was an active participant

Ironically enough, Nassau County, a supposed Unionist stronghold, was represented in the Senate by the former Confederate Brigadier General Joseph Finnegan.³⁰

An editorial in the Florida Union, which supported presidential Reconstruction, perhaps best interpreted the will of the people regarding their choice of lawmakers. Floridians, said the Florida Union, had "manifested good judgment in the character and qualifications of the Representatives . . . chosen to become their law givers." Their choice had been crucial, for "some of the legislation, from the very nature of surrounding circumstances, must be in obedience to the terms of dictation, yet . . . much of it is still left to the free . . . will of the Representatives of the people."³¹ In other words, the people were prepared to accept the "terms of dictation," but at the same time demanded appropriate action on matters left to the free will of their representatives.

in numerous skirmishes in the state. For a review of his military service see Davis, The Civil War and Reconstruction in Florida, pp. 284-313; Mary E. Dickison, Dickison and His Men. Reminiscences of the War in Florida (Louisville, 1890); John J. Dickison, Military History of Florida (Atlanta, 1899), p. 252. Vol. XI of Confederate Military History, ed. Clement A. Evans.

³⁰Although opposed by a "miserable clique," Finnegan was a successful candidate for the legislature. Jacksonville Weekly Florida Union, December 16, 1865. A native of Ireland, he was acclaimed as the hero of Olustee. At the time of his election, Finnegan was living "with a friend" at Fernandina, his plantation home and lands having been confiscated and "converted into a Freedmen's Asylum." Before the war Finnegan was engaged in legal practice and was a business associate of David L. Yulee in railroad matters. New York Times, December 25, 1865. For an account of his military career, see Soldiers of Florida, pp. 328-329.

³¹Jacksonville Weekly Florida Union, December 16, 1865.

Ten days before the meeting of the legislature, Benjamin C. Truman described the spirit of the people of Florida--a spirit that provided a favorable climate for a rhetoric of adjustment. He wrote:

The calm, dignified and intelligent manner in which the stern logic of events has been accepted and acted upon by the convention, has been infused into the thinking and intelligent portion of the people, and is perfectly electrifying in its effects. On the general results of the issue I find but few murmurs; not that the people are stupidified into apathy or stoical indifference, but because they are determined to adapt themselves to circumstances--to be up and doing, "with a heart for any fate" . . . thus exemplifying themselves, as they claim to be, a noble people. . . .³²

Assembled as representatives of these people, the legislators were charged with two principal responsibilities: (1) meeting the final requirement of the presidential plan of reunion by ratifying the Thirteenth Amendment, and (2) adapting Florida law to the new constitution and the changed condition of the Negro. On these tasks they spent many hours during their session on December 18, 1865 to January 16, 1866.

On December 19, the Senate heard Lieutenant Governor William W. J. Kelly deliver his inaugural address, in which he cautioned against "unwise and hasty" legislation. On the following day, the members of the House and Senate witnessed the inauguration of David S. Walker. They heard the provisional governor, William Marvin, introduce Walker, review

³²Report of Benjamin C. Truman, dated at Tallahassee, December 7, 1865, in New York Times, December 25, 1865. Truman also credited Florida's newspaper editors with an attitude of acceptance: "They seem to understand the situation fully, and they also seem to understand that their course is productive of either good or evil. All of them endorse the acts of the late convention, and are in favor of a Legislative ratification of the Constitutional Amendment, a complete restoration of civil law and a home in the Union, and the protection of the stars and stripes."

Florida's acceptance of the presidential terms of reunion, urge the ratification of the Thirteenth Amendment, make recommendations for remedial legislation in the realm of internal affairs, and say farewell. They also listened to advice from Walker, who used the occasion to ask for political reconciliation among white Floridians, for legislation that would promote the prosperity and happiness of the colored population, and for the ratification of the Thirteenth Amendment. On December 21, the legislators received the recommendations of a three-man committee, appointed by Marvin at the request of the convention, to study how to make Florida's laws conform to the changed condition of the Negro. Five days before adjournment most of the lawmakers, some state officials, and the general public assembled in the hall of the House to hear a speech by Wilkinson Call, one of Florida's senators-elect. Those who attended heard him defend the President's policy of Reconstruction and predict that Congress could never make the Negro the equal of the white.

The Discourse

Speech of William W. J. Kelly

The Florida legislature assembled in Tallahassee on December 18, 1865.³³ Both houses spent their first day, in opposite ends of the

³³The legislative audience consisted of two groups, the legislators and those allowed to attend their meetings.

Major General John G. Foster, military commander of Florida, was authorized to attend by virtue of a resolution passed by the House and Senate in January of 1866. The Acts and Resolutions Adopted by the General Assembly of Florida at its Fourteenth Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, December 18, 1865 (Tallahassee, 1866), p. 115. Cited hereafter as Laws of Florida. State officials and the public were allowed to attend an unofficial meeting of the

capitol, answering to their names at roll call, and participating in the preliminary tasks of organization.

On the second day, December 19, both groups were prepared to install their presiding officers.³⁴ Late in the afternoon the members of the Senate witnessed the inauguration of Florida's first lieutenant governor, William W. J. Kelly. After taking the oath of office from J. Wayles Baker, circuit judge of Leon County, and being seated as chairman of the Senate, Kelly delivered his inaugural address.³⁵

After the customary professions of gratitude and humility, the speaker approached his central theme and established common ground with his audience by eulogizing Florida's war heroes. History would tell the "story of their manly deeds." The battlegrounds of Kentucky, Tennessee, Georgia, Virginia, and Florida provided "honorable testimony" to their courage. Yet, in the midst of this glory, admiration had to be mixed with sorrow, for "whilst we admire, we must mourn our brave, our noble dead."

The purpose of Kelly's opening remarks became clear when he declared

legislature on January 11, 1866. Tallahassee Tri-Weekly Florida Sentinel, January 13, 1866. It is not known whether representatives of the press and the public were admitted during the regular meetings of the legislature.

³⁴Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 3-5; Florida House Journal, 14th General Assembly, 1st Sess., pp. 3-4. The House chose Joseph John Williams as their speaker. When Williams took the chair, he delivered a "brief address" in which he "returned his thanks to the members of the House for the honor conferred upon him." Florida House Journal, 14th General Assembly, 1st Sess., p. 4.

³⁵As lieutenant governor, Kelly became ex-officio presiding officer of the Senate.

that caution should be the keynote of the session. Both he and his audience had been honored with the confidence of a noble people. They had "come together to build a superstructure on the foundation laid down by the Convention. . . ." The future of Florida depended on their wisdom. In the performance of their duties they could not be influenced by the "bitter past," but must "consider the present with its all-important effects in the future." The passage of unwise and hasty legislation would only "throw around [their] constituents embarrassments much to be regretted."

The speaker "ventured to say thus much, in view of the very important subjects" that would come before the legislature, and concluded by asking his auditors to give him their counsel so that the session would be harmonious and its business "conducted with dispatch and regularity." After hearing Kelly speak, the Senate adjourned until the following day.³⁶

Farewell Speech of William Marvin and
Inaugural Address of David S. Walker

At 11:30 a.m. on December 20 a committee from the House appeared at the bar of the Senate and invited its members to participate in the inauguration of the Governor elect. The senators proceeded to the hall of the House, where "the Joint Meeting was organized by the President of the Senate taking the Chair."³⁷

³⁶ For the text of Kelly's speech, see Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 7-8.

³⁷ Ibid., p. 12.

The first speaker to address the assembled legislators was William Marvin, provisional governor. Under normal circumstances, a brief speech of introduction describing Governor-elect Walker's character and qualifications for office would have sufficed. But these were not normal circumstances. A provisional governor, appointed to supervise the political capitulation of a conquered people, was about to surrender the leadership of the state to an elected representative of what was now a quasi-autonomous citizenry. Marvin, therefore, adapted his remarks to the occasion by presenting a deliberative address.

He opened with a review of the events that had preceded the present occasion. An action that received special emphasis was Florida's acceptance of President Johnson's "terms." A convention, representing "the mass of the people," had incorporated the spirit of the Thirteenth Amendment into the new state constitution. "It opened the courts of justice alike to all persons," repudiated the state Confederate debt, and "annulled the ordinance of secession." These acts had proved "satisfactory" to him, and he had reason to believe they had also proved so to the President. It was "under this Constitution" that the present legislature had assembled. It was "this Constitution" that the legislators had sworn to support.

After the convention adjourned, continued Marvin, several changes had been authorized in response to requests made by that body. The "civil officers of the government" had been allowed "to resume the exercise of the functions of their respective offices. . . ." Authority had also been given for the organization of the state militia, and "nearly all"

the colored troops had been transferred from the interior of the state to the seaboard.³⁸

It was under these circumstances and "at this point in the progress of the reconstruction of the State government," that Marvin had "the honor . . . to present . . . the Honorable David S. Walker, lately elected [as] constitutional Governor for the next four years." His "admirable qualifications . . . had been recognized by the people by his unanimous election." Hence, the speaker did not feel that he could "say anything which would recommend him more fully to the respect and confidence of the General Assembly or the people."

Had it been Marvin's intention to give a simple speech of introduction, he might have concluded at this point and yielded the platform to Walker. As provisional governor, however, he thought it inadvisable to let the occasion pass without rendering some timely advice. He, therefore, moved directly into the deliberative phase of his address.

He began with an analysis of the state's "true condition," as a means of motivating his audience to attend to the proposals he was about to make. Florida was entering "upon its new career under circumstances of very great difficulty and embarrassment." War had left the people greatly impoverished and they were, therefore, ill prepared to pay taxes. Florida's treasury was empty. Labor was "disorganized and demoralized,

³⁸In a proclamation dated November 17, 1865, Marvin authorized the organization of the state militia by reviving the militia law of 1859. All militia companies were placed under the command of the provisional governor or the constitutional governor elected to succeed him. For the complete text of the proclamation, see Jacksonville Weekly Florida Times, December 7, 1865.

and the whole fabric of society more or less disturbed. . . ." Martial law continued to exist "for the punishment of . . . higher crimes," and might at any time be extended. The relationship between the new state government and the federal government also seemed uncertain.

The State has not resumed its normal and constitutional relations with the general government, and it depends upon the action of Congress whether it may immediately be permitted to do so or not. This Congress was elected at a time when the civil war was raging, and whether its members are prepared to believe in the sincerity of our avowed declarations when we declare our desires to be represented on the floor of Congress and to abide hereafter, for weal or woe, whatever fate may befall the nation, is more than I can say.

These conditions, however, could not be improved "by folding our hands and sitting down in idle despair." Floridians needed "to look calmly, dispassionately and earnestly" at their "real and true condition and realize it in all its force." Then they should "patiently, enduringly and faithfully labor to improve it." What could they do to improve their condition? The answer constituted the body of Marvin's speech, and was organized under two heads: (1) the legislators, by means of wise laws, could help to solve some of Florida's internal problems, and (2) the state's officials and the people, by judicious conduct, could insure the resumption of normal relations between the state and federal governments.

In developing the first point, the speaker dealt with problems concerning labor, the old and infirm, the orphaned, the stimulation of industry, and the raising of revenue. These, he said, required remedial legislation.

Florida needed a stable labor force, but this could not be realized

unless the proper incentives were supplied to the laborer and the planter. The laborer required protection "against impositions upon his ignorance in making his contract," and a "cheap remedy in the Courts of law for the recovery of his wages if they should be unjustly withheld from him. . . ."

The planter, on the other hand, needed assurance that "a sufficient number of hands" would be "in his service to make and gather the crop. . . ." This security might be provided by laws prohibiting and punishing the breaking of labor contracts and vagrancy.

Passing on to the problem of the old and infirm, particularly those who were "destitute and incapable of supporting themselves by labor," Marvin described them as the "gift or legacy" of the Saviour, and suggested that they "be supported at the public expense."

Florida's orphaned and destitute children, both black and white, in many instances were legacies of the war. Here again wise legislation could provide the necessary remedy. Marvin recommended that such children be apprenticed until they were twenty-one years of age. Further, he urged that the law on this subject be written with care "so as to protect the apprentice against injustice or oppression."

The "material wealth and prosperity" of Florida was another important concern, and one related to the problem of employment. The speaker believed that the economic condition of the state could be improved "by the introduction of money capital from abroad," and by the diversification of industry. The establishment of some manufacturing industries would provide additional employment and be of profit to the

state. Although the people were "not prepared by any means and all at once, to engage in an extensive system of manufacturing," Florida had natural resources that could be utilized in the manufacture of leather, coarser cotton and woolen fabrics, ploughs, harrows, cultivators, carts and wagons, cabinet wares, mattresses, and lumber.

Another problem was that of financing the new state government. Taxation was one way to replenish "the exhausted treasury." Yet an impoverished citizenry could not pay taxes without money. It was hoped that "congress would authorize the postponement of the collection of the direct tax due the United States, for a year or two, and allow the State in the meantime to assume the debt, and collect it through its own tax collectors." Another immediate remedy might be to negotiate "a temporary loan for a small amount, . . . at home or in the northern cities."

These, then, were some of the problems and possible remedies relative to the improvement of Florida's internal affairs.

Marvin moved into his second main point with the statement that "the re-establishment of . . . constitutional and normal relations with the general government, at an early day," was a matter that depended on "the action of the present legislature, and upon the spirit and temper of the people [in] the State."

"The legislature," he declared, "must ratify the proposed amendment to the constitution of the United States for the abolition of

slavery throughout the country."³⁹ Since slavery was "a dead issue" there could be "no reasonable objection" to ratifying the amendment. The speaker said that he would "be glad to see it done, not because the President desires it, though he ardently does, but because in the present condition of the country, it is right and proper in itself, and necessary to the general pacification of the country." If this final requirement of presidential Reconstruction were accepted in good faith, Marvin felt reasonably sure that "the President [would] permit the State government to go on and exercise its proper powers. . . ."

What Congress would do was less certain. Whether it would permit Florida's senators and representatives "to take their seats, without some discussion and delay," Marvin had no means of knowing. "Much may depend," he cautioned, "upon the opinions that body may form on the subject of the willingness and the ability of the State government to protect all the inhabitants of the State in the enjoyment of their just rights, without distinction of class or color, and without regard to the part each may have taken in the late civil war." Florida's lawmakers and

³⁹President Johnson required ratification of the Thirteenth Amendment in his proclamation of May 29, appointing W. W. Holden provisional governor of North Carolina. The provisional governor of Florida, William Marvin, was reminded of this requirement before the Florida legislature met in December of 1865. The reminder was channeled to Marvin through William H. Seward, Secretary of State, who wrote "He [Johnson] is gratified with the favorable progress toward reorganization in Florida, and directs me to say that he regards the constitution of the United States as indispensable to a successful restoration of the true loyal relations between Florida and the other States, and equally indispensable to the return of peace and harmony throughout the republic." William H. Seward to William Marvin, Washington, November 1, 1865, in New York Times, November 2, 1865.

citizens had to bear in mind "that the faith of the nation [was] pledged for the protection of the freedmen in all their proper rights of freedom." It was also "pledged for the protection of that class of our fellow-citizens who remained loyal to the Union during the war, and particularly to those who entered into the military service of the United States."

Reunion, then, was everybody's business. The legislature must ratify the proposed amendment and enact "wise laws." The "spirit and temper of the people" and the action of justices of the peace, sheriffs and jurors, must be such as to assure Congress that "Unionists," Floridians who had joined the federal army, and freedmen would "receive equal and fair protection with others." If the people conducted themselves so as to give these assurances, they could "look forward hopefully to the early admission of [their] Senators and Representative on the floor of Congress."

Marvin told his audience that he believed it was "the sincere desire of the people of Florida to settle the controversy pending with the Government . . . of the United States. . . ." "Let us therefore," he enjoined, "do everything which we honorably can to settle it upon a solid and durable basis." The speaker, carried on by the momentum of his appeal, urged conciliation by asking his listeners to "make friends of their enemies" and cultivate a love for the Union.

Let us cultivate . . . sentiments of nationality and love of the whole country, from Maine to Texas, and from the Atlantic to the Pacific. We are Floridians, and we ought to be thankful that our lots have fallen to us in so pleasant a land. But are we not Americans also, and have we not an

interest in the whole country? . . . Peace has its victories as well as war. The bravery and gallantry of our troops in war is known and acknowledged by the whole American people. But a brave people is also a generous people. The war over, they forget the causes of the war and the war itself, and make friends of their enemies. Let us do our part to re-establish kind and friendly relations. At least, let us not indulge the idle fancy of loving or hating one man rather than another, for no other reason than because he happened to be born in one section of the country rather than another. What matters it to you or to me, whether his infant ears first opened to the sound of the whistling, freezing winds on the granite hills of New Hampshire, or to the sound of the Aeolian harp playing in the warm sunshine among the tops of our beautiful pines in Florida? It is the man himself, not the place where he was born, which concerns us. . . .

Following this appeal, the Provisional Governor was ready to say farewell. He prefaced his peroration with a formal statement of the conditions under which he would retire.

A new Constitution in harmony with the existing order of things having been adopted, and an election held under it for a Governor, members of the General Assembly, and most of the civil officers of the Government, upon the completion of the inauguration now going on and the passage of a resolution ratifying the proposed amendment to the Constitution of the United States, the objects of my appointment will have been mainly, if not wholly accomplished and I shall expect to receive in a few days, if the ratification passes, the formal leave of the President to retire from the post assigned me.⁴⁰

⁴⁰Marvin remained in Florida until January 3, 1866. David S. Walker to David L. Yulee, Tallahassee, January 2, 1866, Yulee Papers. The Florida Legislature adopted a joint resolution ratifying the Thirteenth Amendment; the resolution received Governor Walker's signature on December 30, 1865. Laws of Florida, 14th General Assembly, 1st Sess., p. 101.

Elected United States senator by the Florida legislature, Marvin arrived in Washington on January 15, 1866, and had an interview with President Johnson the following day. "He [Johnson] received me very kindly, but asked me if I had not received a telegram directing me to remain in the discharge of my duties as Provisional Governor until relieved by him? I answered I had, but that having gone on and inaugurated a State Government, according to the original design, and got it in good

The duties of his position had been "very severe." Almost "everybody seemed to be in trouble," and many thought the provisional governor "could do everything, though he possessed really little or no power." He felt indebted to the military authorities and to the Commissioner of the Freedmen's Bureau for their cheerful response "to the claims of humanity and justice whenever it was in their power."

Marvin concluded by expressing his pleasure at the prospect of reunion and pronouncing a benediction on the state and its future generations.

In all my labors, I have constantly been cheered by manifest signs among the people of a returning sense of attachment to the old Union, and by the prospect of soon seeing the State of my adoption and of my affection restored to her true position among her sister States, respected as an equal, and cherished as a friend. Taught wisdom by experience, may she find in the Union, for unnumbered ages yet to come, that security, contentment and repose which she in vain sought for elsewhere. And may her children and children's children yet unborn, as they read the instructive lessons of this day, learn to avoid the rock on which she split, and cling to the Union of these States as the sheet anchor of our peace and safety at home, and of our character and respectability abroad.⁴¹

working order, I could not discover that I had any more duties to perform; and that inasmuch as the telegraph was not in a good condition, so that I could readily communicate with him, I trusted to his good nature to pardon me for leaving the State without his formal leave. He said, 'It is all right--but I will have you regularly relieved as in the cases of the other Governors.'" William Marvin to [Charles E. Dyke?], Washington, January 22, 1866, in Tallahassee Semi-Weekly Floridian, February 9, 1866. Marvin was officially relieved as provisional governor on January 18, 1866. For a copy of the official document retiring Marvin, see Tallahassee Tri-Weekly Florida Sentinel, January 30, 1866.

⁴¹For the complete text of Marvin's speech, see Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 12-23; Florida House Journal, 14th General Assembly, 1st Sess., pp. 18-28; Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, pp. 11-14. Portions of the speech were quoted on the floor of the United

As soon as Marvin finished speaking, the audience witnessed the inauguration of their new governor, David S. Walker.⁴² After being duly sworn into office by Charles H. DuPont, chief justice of the Florida Supreme Court, Walker, who was fifty years of age, about six feet tall, and of "slight form," took the stand and delivered his inaugural address.⁴³

Walker opened by referring to the occasion of his speech, at the same time providing a preview of its contents. "From the beginning," he said, "it has been the custom in the States of our Union for the Governor elect to improve the occasion of his inauguration by making such remarks as existing circumstances might suggest, and by recommending . . . such measures as the good of the country might require." In complying with this "time-honored custom," Walker dealt with three principal topics: (1) the ending of political differences among the white people of the state, (2) the policy that ought to be pursued toward the colored population, and (3) Florida's relationship with the federal government.

In order to renew "relations of friendship and union with the States of the North," the people of Florida would first have to "abolish all points of difference" among themselves. The recent "unhappy conflict" had stemmed from differences among "Union men," "Constitutional

States Senate by James R. Doolittle, senator from Wisconsin, Congressional Globe, 39th Cong., 1st Sess., Pt. 1, pp. 312-313.

⁴²Although Walker was inaugurated on December 20, 1865, he was not officially recognized as governor of Florida until January 18, 1866. For a copy of the official document recognizing him as a constitutional governor, see Tallahassee Tri-Weekly Florida Sentinel, January 30, 1866.

⁴³Jacksonville Weekly Florida Times, January 4, 1866.

Secessionists," and "Revolutionists."⁴⁴ Each of these classes had been guided by "different luminaries." The "best men" in the land had been "arrayed in opposing ranks." It was little wonder that Americans had been bewildered, and under the "stress of events" had taken sides with the Union or their own state. A "glorious opportunity" was now afforded, however, "to fling away" these past political differences, and "to meet, as brethren ought to meet, upon the platform of the Constitution which our fathers made for us in 1787."

Walker emphasized his theme by promising to know "no distinction between citizens on account of past political differences." If "permitted to administer the Government," he would "take it for granted that all [had] done what they conceived to be their duty under the circumstances. . . ." All would "have the equal benefit of the laws. . . . Law and order would prevail." He believed that this declaration would meet the general approbation of the people, for he had already witnessed gratifying indications of harmonious conduct. At the recent convention, he had seen "gentlemen who had served in the army of the Confederate States . . . consulting only for the good of the Union, and the State as one of its members."

⁴⁴ Walker defined each of these political classes. The "Union man" was one who had a love for the federal Union and, therefore, opposed secession. The "Constitutional Secessionists" held that a state "might secede from the Union without an infraction of the Federal Constitution. . . ." Those who argued the "right of revolution" quoted the remark of Mr. WEBSTER that "a bargain broken on one side was broken on all sides, and that if the North should not obey the Constitution in regard to the rendition of fugitive slaves, the South would no longer be bound by the compact." For Walker's characterization of these political groups and their arguments, see the text of his speech. Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 23-28.

"Having spoken of the relation which ought to exist, and which, for the most part [did] exist among the white people," Walker announced that he would speak next "of the feelings which ought to be cherished, and the policy which ought to be pursued, towards our colored population." He knew that he was dealing with a delicate subject. The Negro accounted for many of the state's troubles. His emancipation had inflicted a heavy economic loss on former slaveholders and had at the same time created new economic, social, and political problems. Walker, therefore, utilized a common-ground appeal, and a description of the freedmen's plight to gain a fair hearing for his proposals.

Floridians were bound by every consideration to make these people "as enlightened, prosperous and happy as their new situation" would allow; for, Walker declared, "they have been our faithful, contented, and happy slaves, and have been attached to our persons and our fortunes." Most important, however, was the fact that they had been faithful "not only in peace, but in war."

During much of the time of the late unhappy difficulties, Florida had a greater number of men in the army, beyond her limits, than constituted her entire voting population. This of course stripped many districts of their entire arms-bearing inhabitants, and left our females and infant children almost exclusively to the protection of our slaves. They proved true to their trust. Not one instance of insult, outrage, or indignity, has ever come to my knowledge. They remained at home and made provision for our army. Many of them went with our sons to the army, and there, too, proved their fidelity, attending them when well, nursing and caring for them when sick and wounded. We all know that many of them were willing, and some of them anxious, to take up arms in our cause. Although, for several years, within sound of the guns of the vessels of the United States, for six hundred miles along our seaboard, yet scarcely one in a thousand

voluntarily left our agricultural service to take shelter and freedom under the flag of the Union.⁴⁵

But now the colored people were in trouble. "The results and operations of the war" had made them free.

They are no longer our contented and happy slaves, with an abundant supply of food and clothing for themselves and families, and the intelligence of a superior race to look ahead and make all necessary arrangements for their comfort. They are now a discontented and unhappy people, many of them houseless and homeless, roaming about in gangs over the land, not knowing one day where the supplies for the next are to come from--exposed to the ravages of disease and famine--exposed to the temptations of theft and robbery, by which they are too often overcome--without the intelligence to provide for themselves when well, or to care for themselves when sick, and doomed to untold sufferings and ultimate extinction, unless we intervene for their protection and preservation.

"Will we do it?" asked Walker. Answering his own question, he replied: "I repeat, we are bound to do it, by every consideration of duty. . . ."

Having paved the way for his proposals, the speaker proceeded to present them. Many were urging "the importation of white labor from Germany, Ireland, Italy and other countries," but Walker asked the legislature to "remember that we have a laboring class of our own which

⁴⁵ A student of the legal status of the Florida Negro has remarked that special tribunals created to deal with the lawlessness of the slave during the Civil War in Florida were generally not needed, for the loyalty of the Florida slave was "remarkable." "In many instances plantations were cared for as well as though the owners had not been away." Bates, "The Legal Status of the Negro in Florida," p. 172.

is entitled to preference."⁴⁶ With certain "limitations and restrictions" he could approve of the importation of labor, but it was to Florida's true interest "to give these [colored] people employment, and enable them to support themselves, . . . for here they are, and here, for weal or woe, they are obliged to stay."

Further, the colored people must be protected "in all their rights, both of person and property, as fully as . . . the whites." The legislators were asked to "take great care, not only not to discriminate in your legislation against the colored race, but that you will so shape your enactments as to promote their welfare and happiness to the fullest possible extent."

Before leaving this topic, Walker repeated the suggestions made by the provisional governor, William Marvin, regarding protection for the laborer and planter in matters of contracts.

He turned next to the vital topic of reunion, and spoke at length

⁴⁶In November, 1865, the following statement appeared in the New Era: "The majority of our citizens have come to the conclusion that the negroes will not work on the plantations in a manner that will pay for the necessary investment of capital, and many have determined not to have any 'gentlemen of color,' about them. . . . We understand that several planters of this county, . . . acting under this . . . idea, will start for New York in a short time to secure white laborers for next year. Among the number who have declared their intentions of so doing, Hon. E. L. King, Col. Ed. Lewis, Mr. Daniel Scott, Mr. John Lewis, and Mr. H. Graddick are mentioned. These gentlemen will bring back upwards of three hundred laborers, if they can be procured." Gainesville Weekly New Era, November 11, 1865.

The Florida Union, in its issue of December 16, reported that when Lewis, Scott, and Graddick passed through Palatka enroute "for the interior [with] several Irish men and women," the Negroes "toll'd the town-bell, called a meeting and promulgated the imminent danger threatened to the industrial pursuits of the country by the 'Turners' interfering with our loyal citizens." Jacksonville Weekly Florida Union, December 16, 1865.

on two aspects of the problem: what had been done, and what remained to be done. He reviewed Florida's acceptance of the presidential terms of Reconstruction, and concluded that thus far Floridians had "manifested their loyalty and desire to return to the Union, by doing all that the government was understood to desire." They had left nothing undone; their provisional governor had said as much when he informed the convention that he was entirely satisfied with its work.

"Yes, gentlemen," said Walker, passing on to his next point, "the Convention did all that it could do. And now one thing remains for the Legislature to do . . . and that is to ratify the proposed amendment to the Constitution of the United States. . . ." Marvin had told the legislators they must ratify the amendment, but Walker went further. He read the text of the amendment, explaining the meaning of its second clause, and refuted the argument that its ratification would provide an avenue for further demands.

A reading of the proposed amendment revealed that it consisted of two clauses. It provided:

First. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Second. And Congress shall have power to enforce this article by appropriate legislation.

In order to make clear the "true meaning of the second clause," which some feared might give Congress too much power, Walker quoted from several telegraphic dispatches that had passed between President Johnson, Secretary of State William H. Seward and Benjamin F. Perry, provisional

governor of South Carolina. On October 28, 1865, the President had wired Perry instructing him that the legislature of South Carolina must adopt the amendment abolishing slavery. The provisional governor replied that there was "no objection to the adoption of the amendment . . . except an apprehension that Congress might, under the second section of that amendment, claim the right to legislate for the negro after slavery was abolished." To this Secretary of State Seward replied on November 6: "The objection which you mention . . . is regarded as querulous and unreasonable, because that clause is really restraining in its effects instead of enlarging the power of Congress."

From this evidence Walker concluded that Congress could "only enforce, . . . the non-existence of slavery," and "with this understanding" he was able to recommend that Florida adopt the amendment.

Some also argued, he continued, that "the adoption of this amendment [might] only be opening the door to a demand for new concessions." To this he answered:

We have no reason to believe that this will be so. It is unfair and ungenerous to suppose that the Government is endeavoring to inveigle us into the adoption of certain measures, with a promise of a restoration of our rights in the Union, when in fact it does not mean to admit us upon the adoption of those measures, but intends to make further demands after the first shall have been acquiesced in. Such a suspicion is entirely unworthy of the course which the President of the United States has pursued towards us since the cessation of hostilities. He told us frankly from the beginning what would be required of us. I know that he told me in July last the adoption of this amendment would be expected. Our Provisional Governor told us so in his speech at Quincy, and on other occasions. All the action of the Convention was had with full knowledge of that expectation, and in the adoption of

the amendment you will but be completing a series of measures which they knew must be completed to secure to the State all her rights as a member of the Union.⁴⁷

Becoming more specific, Walker related that some feared ratification of the amendment would pave the way for Negro suffrage. He met this objection by arguing that such a demand "would never be made by the President."

If there is any one thing that he is more pledged to than another, it is that of allowing each State to "prescribe the qualifications of electors and eligibility of persons to hold office under the Constitution and laws of the State-- a power (which he says) the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time." This is the language used and the position taken by him in his proclamation organizing the first Provisional Government in North Carolina. On the third of October last, he said, "Our only safety lies in allowing each State to control the right of voting by its own laws," and in his message to Congress, which we have just received, he stands firmly, fairly and squarely up to his original position.

Further, the speaker was satisfied that such an "unjust demand" would not be made by Congress. He said:

I think the position of the President will be sustained. The recent vote in Connecticut and Wisconsin, expressly repudiating negro suffrage--together with the fact that it is allowed in only a few States of the Union, and in those few only with qualifications, renders it highly improbable that a Congress of Northern men will compel us to admit it while they reject it themselves. To do so would be to assert that many generations of freedom have not qualified the few negroes, in their midst, to vote, while as many generations of slavery have qualified our millions.

⁴⁷Early in July, 1865, Walker had been sent to Washington "to pray for a 'provisional government.'" While there, he had conferred with President Johnson. Davis, The Civil War and Reconstruction in Florida, pp. 355-356.

Even if Congress should make this demand, Walker believed Florida would "be in a better position by having adopted the amendment." This act would put the people of Florida in the position of having "done all that the President desired. . . ." After all, it was the President's wish "to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by the fratricidal war." Under these conditions Floridians could "reasonably hope that ere long martial law [would] cease, . . . that civil law [would] be fully restored and the authority and jurisdiction of the State Government entirely reinstated."⁴⁸

⁴⁸Civil law, however, never reigned supreme under Walker's administration. *Ibid.*, p. 430. Caught "between the Freedmen's Bureau, charged with the paternal care of the negroes, and the military authorities exercising a supervisory control over the general conduct of affairs, [Walker's] administration was little more than quasi-civil. . . ." "Reconstruction in Florida," Legislative Blue Book (Tallahassee, 1917), p. 11.

On December 1, 1865, President Johnson issued a proclamation restoring the privilege of habeas corpus, but did not include the South. On April 2, 1866, he issued a proclamation declaring insurrection to be "at an end" in Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida. In a proclamation of August 20, 1866, he declared that insurrection was at an end, and that "peace, order, tranquillity and civil authority now exist in and throughout the whole of the United States of America." Richardson, Messages and Papers of the Presidents, VI, 333, 429-432, 434-438. General John G. Foster, military commander of the Department of Florida, held that Johnson's proclamation of April 2, 1866, declaring insurrection at an end, did not remove martial law in Florida. See General Orders No. 28, dated April 27, 1866, in Fernandina Weekly Courier, May 16, 1866. For examples of co-operation and conflict between military and civil authorities in Florida, see Jacksonville Weekly Florida Union, July 7, 1866; Tallahassee Tri-Weekly Florida Sentinel, October 20, 1866; Saint Augustine Weekly Examiner, October 27, 1866.

With the passage of the Reconstruction Acts of 1867, the civil authorities elected in Florida under the Johnson plan held their offices at the pleasure of the military. Davis, The Civil War and Reconstruction in Florida, pp. 446, 454-455.

If Congress should "unexpectedly refuse to admit our Senators and Representative, because we have not allowed negro suffrage," Walker reasoned, Florida could "wait until Congress [should] think better of the matter." "The justice of our cause, the influence of the President, and the good sense and patriotism of the nation cannot fail to give us our representation in the end."

Walker concluded this part of his address by declaring that Florida would "never accede to the demand for negro suffrage, should it be made."

We have manifested that our loyalty and desire to renew our relations with the Union are so great that to do so we are willing to yield everything but our honor and our consciences. We have all lost much--many of us our all--all but our honor. Let us preserve that, though we lose everything else. We have been able to give an honest and conscientious consent to all that has been done, but each one of us knows that we could not give either an honest or a conscientious assent to negro suffrage. There is not one of us that would not feel that he was doing wrong, and bartering his self-respect, his conscience, and his duty to his country and to the Union itself, for the benefits he might hope to obtain by getting back into the Union. Much as I have worshipped the Union, and much as I would rejoice to see my State once more a recognized member thereof, yet it is better, a thousand times better, that she should remain out of the Union, even as one of her subjugated provinces, than go back "eviscerated of her manhood," despoiled of her honor, recreant to her duty--without her self-respect.⁴⁹

⁴⁹Negro suffrage was recognized as a potential source of power for the northern politician and as a threat to the political supremacy of the southern white. For instance, the New Era editorialized: "Quite a number of sainted philosophers . . . are . . . using every possible effort to produce an extraordinary excitement on the negro suffrage question. . . . It does not require the experience of a mind that can blend the knowledge of the past and present ages to discover that the preservation of the Black Republican party depends chiefly upon the agitation of the negro question in some form.--The negro is as essential to the perpetuation of that party as the rays of the sun are necessary to preserve

Having covered the important questions raised by the process of reunion, Walker was ready to close. He mentioned that he would make existing financial, educational, and social problems the "subjects of special messages," and promised that as governor, he would work for a "good understanding" with the legislature and with the "gentlemen of the army of the United States, who are stationed amongst us." After expressing his appreciation for the honor conferred upon him, Walker concluded by asking "all the pious people of the State" to pray to Almighty God that He convert the "weakness" of the speaker "into strength," and that He "bless our State and our whole land. . . ." ⁵⁰

Having witnessed the inauguration and having heard the speech-making that accompanied it, the joint meeting of the legislature adjourned, and its members returned to their chambers.

The Florida press received the speeches of Marvin and Walker warmly. Walker's inaugural, however, was given more attention. The Jacksonville Florida Union regarded it as "admirable in tone and temper, elegant and forcible in diction, [and] perspicuous and practical in thought and suggestion." Such a speech would "commend itself to the

vegetation. They are like odd halves of scissors, 'useless each without the other.'" Gainesville Weekly New Era, August 5, 1865.

⁵⁰For complete text of Walker's inaugural address, see Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 23-38; Florida House Journal, 14th General Assembly, 1st Sess., pp. 28-43; Gainesville Weekly New Era, January 13, 1866; Jacksonville Weekly Florida Times, December 28, 1865; Jacksonville Weekly Florida Union, December 30, 1865; Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, pp. 15-20. Portions of the speech were quoted on the floor of the United States Senate by James R. Doolittle, senator from Wisconsin. Congressional Globe, 39th Cong., 1st Sess., Pt. 1, pp. 312-313.

whole people of the State, . . . as well suited to the time and occasion, and as worthy of the man. . . ."51 The Tallahassee Florida Sentinel thought the address was a "celebrated composition." "In matter, it [was] what the times demanded--calm, dispassionate, firm."52

The Jacksonville Florida Times regarded Marvin's effort as an "able and practical address."53 The Jacksonville Florida Union considered it "worthy of commendation."54

George D. Prentice, editor of the Louisville Journal, complimented Floridians on their election of Walker, a native of Kentucky, as governor, and praised President Johnson's judgment "in appointing such a man as William Marvin Provisional Governor. . . ." The spirit of both their addresses was "frank, manly, patriotic." No one could read them "without being impressed with the conviction of the profound earnestness of the loyalty and truthfulness of these distinguished gentlemen, and their devotion to the best interests of the whole country."55

Report of Charles H. DuPont, Anderson J. Peeler,
and Mariano D. Papy

On the day following the inaugural ceremonies, the lawmakers received more advice on matters that would come within the province of

51Jacksonville Weekly Florida Union, December 30, 1865.

52Tallahassee Tri-Weekly Florida Sentinel, January 11, 1866.

53Jacksonville Weekly Florida Times, December 28, 1865.

54Jacksonville Weekly Florida Union, December 30, 1865.

55Louisville (Kentucky) Journal, January 12, 1866, in Tallahassee Tri-Weekly Florida Sentinel, February 6, 1866.

their deliberations. Charles H. DuPont, Anderson J. Peeler, and Mariano D. Papy, members of a special committee appointed by Marvin, submitted a written report to the legislature outlining the legal changes required by the "amended constitution," with special reference "to the altered condition of the colored race."⁵⁶

The committee's recommendations supplemented the counsel given by Marvin and Walker, and in essence constituted a framework for the "Black Code," a series of laws applicable to Florida's Negro

⁵⁶DuPont, chief justice of the Florida Supreme Court and former slaveholder, was well qualified to serve on the committee. A native of South Carolina, he was reared in Ohio and educated at Franklin College in Georgia. Graduating in 1826, he settled in Quincy, Florida, the following year. Here he mixed the "cares of plantation oversight with the studies and maiden efforts of a young lawyer." Prior to his appointment as chief justice by Governor Walker, DuPont had served as a county judge, a member of both houses of the legislature, a general in the militia during the Seminole War, and as chief justice for a term beginning in 1859. Roland H. Rerick, Memoirs of Florida: Embracing a General History of the Province, Territory and State; and Special Chapters Devoted to Finance and Banking, the Bench and Bar, Medical Profession, Railways and Navigation, and Industrial Interests, ed. Francis P. Fleming (Atlanta, 1902), II, 89-90. Cited hereafter as Memoirs of Florida.

The Democratic press described Anderson J. Peeler as an expert on "the machinery of legislation and Parliamentary usage." A Democrat in his politics, Peeler had twice served as chief clerk of the House of Representatives and had been secretary for the convention. Tallahassee Semi-Weekly Floridian, November 14, 1865.

Papy, a native of Saint Augustine, moved to Tallahassee as a child. In 1844, he was admitted to the bar by special act of the territorial council before he reached the age of twenty-one. In 1845, he became the first clerk of the Florida Supreme Court and served until 1849. In 1852, he was elected to the Florida House from Leon County. Appointed to fill the vacant post of attorney-general in 1852, he was elected to the office in 1853, and again appointed to settle the Florida-Georgia boundary line. Papy was also one of five commissioners, appointed by Governor Abraham K. Allison in 1865, to confer with President Johnson on Florida's political relation to the Union. Fleming, Memoirs of Florida, II, 91; Willard E. Wight, "Horace Greeley, Presidential Candidate: A Floridian's View," Florida Historical Quarterly, XXXV (January, 1957), 271-273.

population.⁵⁷ In making their suggestions, the committee members clarified two concepts for the guidance of the General Assembly.

First, they maintained, a state had the authority to "discriminate" between the colored and white races, so long as this power was limited to "the granting or restricting of what is usually denominated mere 'privileges,' in contradistinction to the absolute 'rights' of individuals." The truth of this statement, they said, could be confirmed by examining the statute books of New England.

A second and related concept was the interpretation given the act of emancipation. "A certain class of radical theorists [insisted] that the act of emancipation . . . operated . . . to exalt the entire [colored] race and place them upon terms of perfect equality with the white man." It was the opinion of the committee, however, that the act of emancipation merely severed "the relation of Master and Slave. . . ."

Some of the recommendations made in the form of specific proposals included suggestions to the effect that the legislators create a County Criminal Court, restrict the use of firearms among the freedmen, change the state's marriage laws, extend the benefits and processes of the courts to all inhabitants regardless of color, postpone consideration of an educational system for freedmen, draft one code of law for both races, and provide a latitude of penalties for crime to allow for discrimination

⁵⁷Florida's "Black Code" included "an act concerning ordinary crime; an act concerning sexual morality; acts concerning indigency, vagrancy, and apprenticeship; an act concerning labor contracts; and an act establishing schools for negroes." For an historical analysis of the origin and operation of the code in Florida, see Davis, The Civil War and Reconstruction in Florida, pp. 411-425.

between races whenever such discrimination would be in the interest of the state.⁵⁸

After being transmitted by Walker, the report was referred to the senate committee "On All Subjects Connected with the Colored Population," and one hundred copies of the document were printed for the use of the General Assembly.⁵⁹

Speech of Wilkinson Call

During the remaining weeks of the session, which lasted until January 16, the legislators acted on the recommendations given them by Marvin, Walker, DuPont, Peeler, and Papy. They ratified the Thirteenth Amendment in a joint resolution passed on December 27 and 28.⁶⁰ After electing, on December 29, two United States senators, Wilkinson Call, an ex-Confederate, and William Marvin, still officially the provisional governor, they spent the balance of the session revising the state's statutes to conform with the new constitution and the "altered condition of the colored race."⁶¹

⁵⁸A copy of the committee's report may be found in Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 49-61.

⁵⁹The senate committee "On All Subjects Connected with the Colored Population" consisted of E. J. Vann, chairman, Thomas M. White, Samuel H. Owens, D. L. Kenan, and Holmes Steele. Ibid., p. 11.

⁶⁰The Florida legislature ratified the Thirteenth Amendment "with the understanding that it does not confer upon Congress the power to legislate upon the political status of the Freedmen in this State." The Senate passed the resolution on December 27, and the House adopted it on December 28. Walker signed it on December 30, 1865. Laws of Florida, 14th General Assembly, 1st Sess., p. 101.

⁶¹Wilkinson Call was elected on the first ballot for the long term

On the evening of January 11, 1866, the House, in compliance with its own resolution, interrupted its deliberations to hear a speech by Call.⁶² A committee appointed to wait on him entered the hall of the House and conducted him to the stand. When Call reached the speaker's

ending on March 3, 1869. The only other nominee was J. Patton Anderson of Jefferson County, who had been elected Democratic presidential elector for Middle Florida in 1860. Kearney, "Political Speaking in Florida from 1859 to 1861," p. 43.

William Marvin was elected on the thirteenth ballot for the short term ending on March 3, 1867, against such contenders as Benjamin D. Wright, Edward Hopkins, Jesse J. Finley, Augustus E. Maxwell, James A. Wiggins, and Thomas Rendall. Wright, a "Union man," had been an unsuccessful nominee for president of the constitutional convention of 1865. Hopkins of Duval County had been the Constitutional Unionist candidate for governor in the campaign of 1860. For a sample of his campaign speaking, see Kearney, "Political Speaking in Florida from 1859 to 1861," pp. 88-90. Finley had served as judge of the circuit court of the Western District of Florida, and was a popular war hero. A brigadier general in the Confederate army, he had been "severely wounded in the Atlanta campaign." *New York Times*, December 25, 1865; *Tallahassee Semi-Weekly Floridian*, October 27, 1865. Maxwell, a native of Georgia and a Pensacola resident, had arrived in Florida in 1845. His political background made him a likely candidate for the United States Senate in 1865. He had served Florida as Secretary of State, attorney-general, as a member of the Florida House and Senate, as a member of Congress from 1852 to 1856, and as a senator from Florida to the Confederate States Senate from 1862 to 1865. Rerick, *Memoirs of Florida*, II, 102. Wiggins was named as candidate for presidential elector to represent East Florida by the Constitutional Unionists in 1860. Kearney, "Political Speaking in Florida from 1859 to 1861," p. 84. Rendall had been a speaker at the Constitutional Unionist state convention held on June 27, 1860, in Quincy. *Ibid.*, pp. 81-83.

Information on the election may be found in Florida Senate Journal, 14th General Assembly, 1st Sess., pp. 84-87. Marvin's election was in part, at least, brought about by the political friends of David L. Yulee, who supported Marvin "on the ground that he would use his immediate and utmost exertions to procure [Yulee's] release." See I. C. Wakkiffe to David L. Yulee, Gainesville, December 24, 1865, Frederick C. Barrett to David L. Yulee, Tallahassee, December 31, 1865, and Frederick C. Barrett to David L. Yulee, Gainesville, January 22, 1866, Yulee Papers.

⁶²Wilkinson Call, a nephew of former territorial Governor Richard K. Call, was a native of Kentucky. He was born in Russellville, Logan County, in 1834. Educated in his native state, he later moved to Jacksonville where he began the study of law. In the campaign of 1860, he

platform--a tall young man about thirty-two years old, with brown hair and full grey eyes--⁶³ he observed that the "Governor and State officers were present," and that "there was a good attendance of the Members of the General Assembly and citizens."⁶⁴

In the course of his address, Call emphasized the themes of Confederate heroism, acceptance of the President's policy, and defiance of Congress.

After thanking the General Assembly for the "honor conferred upon him," he spoke "with feeling and touching eloquence, of the changes that had occurred within the past five years--since this Hall had been the scene of debate on questions now settled by the strong arm of military power." Southerners had believed "they were right in asserting their independence of a power they apprehended was encroaching upon and would destroy their institutions." Although they were "defeated in their attempt at independence, they had no cause for shame." Actually, the

was an avid supporter of the Constitutional Union party and was named as their candidate for presidential elector from Middle Florida. When Florida seceded in 1861, however, he went with his state and served in the Confederate army. Elected to the United States Senate in 1865, he was not permitted to take his seat. When the Democrats regained political control of the state, Call was again elected to the United States Senate in 1879, and was re-elected in 1885 and 1891, serving from March 4, 1879, to March 3, 1897. Biographical Directory of the American Congress, 1774-1949 (Washington, 1950), p. 938. For Call's speaking on behalf of the Constitutional Union Party in 1860, see Kearney, "Political Speaking in Florida from 1859 to 1861," pp. 78, 85-86, 90, 99-100.

⁶³Tallahassee Tri-Weekly Florida Sentinel, January 20, 1866.

⁶⁴After appointing a committee to wait on Call and conduct him to the hall, the House adjourned and opened its doors to the general public. Ibid., January 13, 1866.

"exhibition of Southern character in the war was great cause for pride." Every southern man could delight in the military record of those "immortal chieftains, 'STONEWALL' JACKSON and ROBERT E. LEE." The speaker "was himself a Southern man by birth, . . . and he thanked God that it was so."

Passing to the "the political questions" that were agitating the country, Call warned that a "powerful party at the North" was striving to thwart the presidential plan of reunion, and asked his audience to support the President. "He considered it the duty of every Southern man to support President JOHNSON," for in his policy toward the South Johnson "had taken a firm and manly stand to maintain the Constitution by upholding the integrity of the States." Call continued:

The President desires to maintain this principle. But there is another numerous and powerful party at the North, led on by the fanatical STEVENS, who are endeavoring to frustrate the plans of the President in his reconstruction policy, which looks to the preservation of the integrity of the States. The aims of this party, if carried out, must overthrow the present system by centralizing power in the General Government. If this party succeeds, the whole structure of our government is changed. It is no longer a Republican Government, but a consolidated, democratic despotism.⁶⁵

⁶⁵Call referred to Thaddeus Stevens of Pennsylvania, a Radical Republican in the national House of Representatives. On December 18, 1865, the day on which the Florida legislature first met, Stevens had delivered a speech in which he challenged the President's authority to reconstruct the South. It required "the action of Congress to enable them [the southern states] to form a State government and send representatives to Congress." Hence, the Johnson governments were not legal. "I take no account of the aggregation of white-washed rebels," said Stevens, "who without any legal authority have assembled in the capitals of the late rebel States and simulated legislative bodies." For an account of Steven's speech, see Congressional Globe, 39th Cong., 1st Sess.,

There could not be "any difference of opinion among Southern men" on this matter; they must "sustain the President."

Another important issue was the "elevation" of the freedmen. The speaker believed their advancement "would be due to their former masters--to the Southern people, who knew them," and whose kindness and sympathy equipped them to deal with the Negro's weakness and ignorance. One thing was certain, declared Call. "No legislation of Congress, nor of the Northern States [could] ever put the negro upon an equality with the white race. As well might you attempt to turn the current of the 'great father of waters' from the Gulf to the Falls of St. Anthony." The speaker did not discuss the effect of the President's policy on the "future sphere" of the Negro. His audience knew that so long as the integrity of a state was upheld, control of the Negro would remain in the hands of the southern lawmakers.

Call concluded by assuring his constituents "that he would soon leave for Washington, and lay his claims to his seat in the Senate before the President." If allowed to represent the state in Congress, "he [would] meet Northern Senators with respect, with deference and courtesy,

Pt. 1, pp. 72-75.

The Tallahassee Sentinel refused to take the Stevens speech seriously. "Old Thad. intends that it shall not be the fault of himself and his followers," it editorialized, "if the Southern people do not find the next four years a harder road to travel than the four years of the rebellion." The South, however, need not be fearful "of the success of his plans beyond the expiration of the present Congress." "Justice" would eventually be done, and the South would be "restored." "Until that time we can wait, if necessary, and shall ask no favors of Thad. Stevens and his tools and pimps in or out of Congress." Tallahassee Tri-Weekly Florida Sentinel, January 16, 1866.

but with no feeling of shame or humiliation!"⁶⁶ "Southern men [had] no cause for humiliation or shame." He closed by admonishing his audience not to be "despondent," but to labor with "hope and energy" to improve their condition. The "power of truth" was great, and in the end, he predicted, it would "triumph over the political factions of the North."⁶⁷

The reporter who recorded Call's speech supplemented his account of it with a number of personal reactions. "The short notice given the speaker allowed him little time for preparation; but his address was able and well adapted to the present condition of things." Although Call appeared "before a public body for the first time in five years, he delivered himself with grace and equanimity." He was "not so eloquent as . . . on former occasions," but succeeded in presenting "the great questions that agitate the country, in a clear and masterly manner."⁶⁸

⁶⁶A month earlier Congress had met for the first time since Lincoln's death, and being confronted with the Johnson governments in the South, had established a joint committee to investigate conditions in ex-Confederate states to determine whether or not they were entitled to representation in Congress. Meanwhile the newly elected senators and representatives from the South were not permitted to take their seats. Simkins, A History of the South, pp. 264-265.

⁶⁷For an account of Call's speech, see Tallahassee Tri-Weekly Florida Sentinel, January 13, 1866. The reporter who wrote the synopsis of the speech did so "from memory."

⁶⁸A search of four extant newspapers, the Tallahassee Sentinel and Floridian, the Gainesville New Era, and the Jacksonville Florida Times, for the month of January, 1866, revealed that the Tallahassee Sentinel was the only paper that reported or made any editorial comment on Call's speech.

Five days after Call spoke, the legislators finished their work.⁶⁹ Before adjourning, the House and Senate passed a joint resolution that marked the culmination of the rhetoric of adjustment. The resolution, in effect, announced that the people of Florida had completed the process of political adjustment in keeping with the terms set forth by the President and that they looked forward to the moment when their state would be restored to "her former peaceful political relations with the government of the United States. . . ." ⁷⁰

The Rhetoric

Once the convention had completed its work, it was up to the legislature (1) to pass whatever measures it could to ameliorate economic and social problems, (2) to acknowledge abolition by ratifying the proposed Thirteenth Amendment, and (3) to provide for the protection of the freedmen. The rhetoric which played a part in effecting these ends was composed of deliberative discourse and persuasive direction.

The deliberative character of the rhetoric stemmed from the fact

⁶⁹The legislators passed laws which took into account all of the suggestions made by Marvin, Walker, DuPont, Papy, and Peeler. Moreover, they reflected the wishes of their constituents. The "terms of dictation" were met. A joint resolution provided for the adoption of the Thirteenth Amendment. The Negro was guaranteed equality before the law and was admitted to the courts as a witness. In dealing with matters left to their discretion, the lawmakers remained within the letter of the new state constitution and produced a legal code which they hoped would (1) stabilize the state's labor force, (2) conform to the changed conditions of the Negro and in a sense take the place of his former master, and (3) assure the supremacy of the white race. For a copy of the General Assembly's acts and resolutions, see Laws of Florida, 14th General Assembly, 1st Sess., pp. 9-122.

⁷⁰Ibid., p. 109.

that the new government, which was just beginning to function, was faced with many pressing problems. Something had to be done to discourage vagrancy. With slavery defunct, new methods had to be devised for the regulation of labor. A more comprehensive court system was required to deal with the petty crimes that were formerly tried by slave tribunals. An appropriate tax plan was needed to provide revenue for the new government. Some provision had to be made for the old, the infirm, and the orphaned. The relief of disabled soldiers and of the widows of the Confederacy required funds.

Marvin, who was well acquainted with the immediate problems of the postwar period in Florida, spent a considerable portion of his farewell speech discussing how these problems could best be solved. What he said with respect to the solution of the labor problem may be taken as a representative sample.

Having talked with a great many freedmen during the pre-convention period, Marvin was well aware of their confusion and their false notions regarding freedom. He had tried to convince them they were free and that they did not have to wander to test their freedom. As he had told the convention, however, he had found there was no use in talking to them on the subject. He, therefore, advised the convention to discourage vagrancy by making it an offence "punishable by temporary involuntary servitude."

The legislature, he believed, could promote industry and provide for the regulation of labor through the enactment of laws that would protect the interests of planter and laborer alike. The laborer could be encouraged by protecting his rights of person and property, and by providing

"an easy and cheap remedy . . . for the collection of his wages." The planter could be assured of a stable work force if contract violation was made a punishable offence. To provide the proper assurances, the courts would have to be opened to all--to both laborer and planter. Punishment for a contract violation on the part of the laborer, moreover, would have to be adapted to the condition of the laborer. The freedmen had no "goods or chattels" that could be assigned as settlement. They could, however, be required to labor without pay to satisfy the unexpired term of a violated contract.

Governor-elect David S. Walker also contributed to the deliberative phase of the legislative rhetoric, repeating Marvin's advice on the labor question and re-enforcing it with a moving appeal on behalf of the freedman. The freedmen, he said, had been faithful servants in time of peace and during the war. Now that they were bewildered by their sudden freedom, it was the white man's duty to "intervene for their protection and preservation."

The three ex-slaveowners and legal experts, Charles H. DuPont, Anderson J. Peeler, and Mariano D. Papy, served as an important link between the convention and the legislature. Appointed by Marvin at the request of the convention, they advised the legislature on matters connected with "the prevention of crime, . . . the enforcement of . . . domestic relations," and the promotion of "a well regulated labor system."

To clarify its position and sustain its judgment, the committee in many instances supported its proposals with an impressive array of legal precedents and detailed explanations. In recommending that the freedmen

be restricted in the use of firearms, for example, the committee cited legal precedent when it pointed out that its proposal was practically "a literal transcript of the law of Indiana upon that subject."

Provisions for discriminatory punishment were explained on the grounds that the punishment must fit the offender. The courts needed the authority to substitute whipping or the pillory for all crimes punishable by fine or imprisonment because of the difference that existed in the social and political status of the two races. If the courts degraded a white man by such punishments, they would turn him against society. On the other hand, "to fine and imprison a colored man in his present pecuniary condition [would be] to punish the State instead of the individual."

The penalty for vagrancy, which the committee believed should be the same for all persons regardless of color, had to be such as would deter the individual from the "commission of the offence" and, at the same time, would not "impose a pecuniary charge upon the public." Productive labor on the part of an offender, under the supervision of local authority, appeared to be the most desirable solution, inasmuch as the state had no penitentiaries or local "work-houses," nor the funds needed to establish them.

When dealing with Florida's internal problems, Marvin Walker, and the advisory committee were in effect saying: If you want to solve these problems, this is what you might do. When they took up the question of reunion, however, they in effect said: If you want Florida to resume her normal relations with the federal government, this is what you must

do. The discourse devoted to securing the co-operation of the legislators in carrying out the President's terms of reunion, necessarily assumed the character of persuasive direction.

Fortunately the situation favored compliance. The members of the legislature and the Governor-elect owed their authority to the convention's compliance with the directions of the Provisional Governor. Further, these officials were aware that the tenure of their positions would depend on their willingness to complete the process of political adjustment.

The means which Marvin employed to win over the legislature offer a striking contrast to the rhetoric he employed before the convention. The message he sent to the convention had been almost entirely devoted to explaining the terms of reunion, and his speech before that body had been based on the same theme, along with some advice on the problems of vagrancy. His legislative address, on the other hand, included a resume of the progress of Reconstruction, advice respecting the resolution of domestic problems, and appeals for nationalism and conciliation.

The order in which Marvin dealt with these subjects also offers an interesting contrast to his convention rhetoric. The unfulfilled terms of reunion were not discussed. They were preceded by a progress report on Reconstruction and by suggestions relative to economic and social adjustment. Moreover, they were followed by an appeal for conciliation.

The speaker's style bears little resemblance to that of his convention rhetoric. Although there were patches of formality for the

most part his language displayed the personal quality typical of his pre-convention speaking. When reporting on the progress of Reconstruction and when introducing Walker, Marvin assumed the role of provisional governor, but when dealing with other subjects, he spoke as a Floridian.

These changes reflect the speaker's adaptation to a modified purpose. Persuasive direction was necessary, but not to the same degree as during the convention. The legislators, like the convention delegates, had the privilege of free speech and the power of choice, but the nature of their responsibility was different. Most of the terms of reunion had already been ratified. Marvin, therefore, adapted his speeches to persuading the legislature to act on terms and conditions that had already been acknowledged by the convention. Put another way, Marvin in effect said:

- (1) This is what the convention has done.
- (2) This is what I have done.
- (3) It is up to you to complete the process of political adjustment. If you do, the President will support your government and Congress will admit your senators and representatives.

Marvin's report on the progress of Reconstruction was thorough. His review of the convention's compliance clarified the nature of the legislature's responsibility. Since the convention had framed a new constitution, acknowledging the freedom of the slaves and proclaiming that all of the inhabitants of the state were to enjoy "the rights of person and property without . . . distinction of color," the legislature's acknowledgment of such matters was little more than a formality. "It is this Constitution," Marvin reminded the legislators, "that you have sworn to support."

The convention had asked that civil officers on the municipal and county levels be authorized to resume the functions of their offices, that a state militia be organized to support the civil authority, and that colored troops be transferred from the interior to the coastal areas. In each case, said Marvin, I have complied. "I directed the civil officers . . . to resume the exercise of the functions of their . . . offices. . . . I issued a proclamation . . . directing the militia . . . to be organized." Most of the colored troops had been transferred to the seaboard, and "I am assured that the remainder will be just as soon as the interest of the public service will permit it."

The convention had done its work and Marvin had co-operated with the requests of that body whenever it had been within his power to do so. Before telling the legislators that they must complete the work of reunion, Marvin further earned their good will and respect by referring to Florida's internal problems as if they were his own, and by making suggestions for their resolution. "Our condition," he had declared, "cannot be improved by folding our hands and sitting down in idle despair."

When Marvin came to the subject of reunion, his instructions were concise and straightforward. "The Legislature," he said, "must ratify the proposed amendment to the constitution of the United States for the abolition of slavery throughout the country." Once this was accomplished, he predicted, "I think, so far as I can judge, that the President will permit the state government to go on and exercise its proper powers."

Another undebatable demand was that all the inhabitants of the

state, without distinction of class or color, be afforded equal protection under the law. "The faith of the nation," declared Marvin, "is pledged for the protection of the freedmen in all their proper rights of freedom." It was "also pledged for the protection [of those] who remained loyal to the Union during the war. . . ." If the legislature passed wise laws and the state government looked to their impartial execution, predicted Marvin, "I think we may look forward hopefully to the early admission of our Senators and Representatives [sic] on the floor of Congress."

This second phase of Marvin's persuasion--that of direction and prediction--owed its effectiveness to logical suasion in the form of causal reasoning and pathetic appeals aimed at the southerner's desire for self-rule and a position of equality in the Union.

Marvin received strong support from Florida's governor-elect, David S. Walker. Walker, too, reviewed the progress of Reconstruction, emphasized the accomplishments of the convention, and urged the legislators to comply with the terms of reunion by ratifying the proposed Thirteenth Amendment and by passing appropriate laws for the protection of the freedmen.

In addition to echoing Marvin, however, Walker strengthened the rhetoric of persuasive direction with a number of original arguments. He assured the legislators that ratification of the amendment would not give Congress "the right to legislate for the negro" in any matters other than the enforcement of "the non-existence of slavery," and he discredited the belief that ratification would open the way for new demands.

Negro suffrage, Walker declared, had not been one of the terms of reunion, nor would the demand ever be made by the President or Congress. Speaking for Florida, the Governor-elect went so far as to announce: "We could never accede to the demand for negro suffrage, should it be made."

The report submitted to the legislature by the special advisory committee of DuPont, Peeler, and Papy also contributed to the rhetoric of persuasive direction. No mention was made of the proposed Thirteenth Amendment. But the recommendation that the legislature recognize the legal rights of the Negro echoed a significant segment of Marvin's and Walker's persuasion.

The legislature, as we have already seen, responded to both phases of the rhetoric of adjustment. It passed laws in the interest of economic and social adjustment, and it completed the work of political reorganization.

What can be said of the rhetoric of adjustment as a whole? At least three major patterns are worthy of note. First, in some ways the rhetoric of adjustment appears related to the rhetoric of acquiescence. Whereas one was designed to get the people to acquiesce in defeat and in the presidential plan of reunion, the other sought to persuade the representatives of the people to carry out the specific steps of Reconstruction.

A second generalization concerns the style of the rhetoric of adjustment. There does not seem to be an appreciable difference between the style of the Provisional Governor and of the conquered "rebels." The style of the Floridians was that of free Americans rather than of a

conquered people. As we noted in our analysis of the convention rhetoric, however, presidential Reconstruction was premised on democratic processes. Insofar as the style of the discourse is an indicator, the democratic atmosphere appears to have served as an equalizer between conqueror and conquered.

A theme common to both the rhetoric of acquiescence and the rhetoric of adjustment--white men shall rule--explains the basic unity of the two rhetorics. For Marvin, it was a powerful tool of persuasion. For the conquered it was a face-saving theme, southern tradition that would remain unchanged.

The placation of the white supremacist, the primary moving force of the rhetoric of acquiescence, was equally suited to the work of adjustment. As the southerner capitulated, he conceded what he had to concede, and, at the same time, nurtured his pride by emphasizing the privileges he was not required to give up.

Having made the necessary concessions, the Southerner consistently repeated that the Negro was not a citizen and was, therefore, not entitled to any of the privileges of citizenship. As Walker put it: "We have been able to give an honest and conscientious consent to all that has been done, but each of us knows that we could not give either an honest or a conscientious assent to negro suffrage." The advisory committee reported: The "act of emancipation" merely severed the "relation of master and slave." It did not exalt the colored race to a position of "perfect equality with the white man." Senator-elect Wilkinson Call was even more emphatic: "No legislation of Congress nor of the Northern

States [can] ever put the negro upon an equality with the white race. As well might you attempt to turn the current of the 'great father of waters' from the Gulf to the Falls of St. Anthony."

The rhetoric of adjustment, then, can be summed up as the story of a conquered people who took the provisional governor at his word. Inasmuch as the core of Marvin's persuasion was in close accord with the workings of the southern mind, the conquered responded to his appeals by ratifying the terms of reunion; and in the course of doing so, they reiterated what was and what was not required, by writing it into their discourse, their constitution, and their laws.

CHAPTER VI

SPEAKING IN FLORIDA IN 1866: A RHETORIC OF VINDICATION

Prologue to the Rhetoric of Vindication

The collapse of the Confederacy in the spring of 1865 brought an end to Florida's Confederate government. By the close of that year, a new political structure, designed by the President and organized by the people of Florida under the guidance of their provisional governor, William Marvin, had emerged in its place. While enjoying the quasi-autonomy that came with this new state government, Floridians looked forward to the complete self-rule that would result from reunion--a process that would not be accomplished until the newly elected senators and representative had been seated in Congress.

William Marvin, now one of Florida's senators-elect, arrived in Washington on January 15, 1866, prepared to represent the state in Congress. On the following day, he called on President Johnson and gave an account of his administration as provisional governor.¹ Three days later, on January 19, James R. Doolittle, a Republican senator from Wisconsin, presented Marvin's credentials to the Senate.² Doolittle

¹William Marvin to [Charles E. Dyke], Washington, January 22, 1866, in Tallahassee Semi-Weekly Floridian, February 9, 1866.

²James Rood Doolittle served as a Republican in the United States Senate from 1857 to 1869. He had been a Democrat prior to the repeal of the Missouri Compromise and returned to Democratic ranks following his term in Congress. As a moderate Republican, a long-time friend of Marvin, and a supporter of Presidential Reconstruction, Doolittle was prepared to favor Marvin's admission to the Senate. For a summary of Doolittle's political career, see Biographical Directory of the American Congress, 1774-1949, p. 1096.

said that, in his opinion, Marvin should be sworn in at once. The senator-elect's political background had been characterized by constant loyalty to the Union. Further, by reading selected passages from Marvin's farewell speech as provisional governor and from Walker's inaugural address, Doolittle showed that the people of Florida had accepted the results of the war in good faith and were willing to respect the Negro's rights of person and property. The speaker concluded by repeating that he believed Marvin should be seated. In deference, however, to those of his colleagues who wanted more time to investigate the South's "condition to choose representatives," Doolittle declared that he would "not make this motion now." He therefore moved that Marvin's credentials be tabled "for the present."³

When Doolittle had finished speaking, Charles Sumner, Republican senator from Massachusetts and leader of the Radicals in the Senate, arose to answer Doolittle's speech.⁴ He stated at the outset that he did not wish to discuss the broader issue involved in the presentation of Marvin's credentials. His concern was with "the actual condition of things in Florida." Sumner's interpretation of these conditions took the form of an attack on Marvin, a description of the political plight of Florida's Unionists, and an evaluation of the Florida constitution.

Marvin's record as provisional governor, Sumner agreed, was in some respects a commendable one. But, he continued, no one could "read

³For a report of Doolittle's speech, see Congressional Globe, 39th Cong., 1st Sess., Pt. 1, p. 312.

⁴Biographical Directory of the American Congress 1775-1949, p.1183.

his speeches and say that in all respects he has done what a governor of one of those States . . . should have done."

Utilizing testimony supplied by "competent witnesses" from Florida, Sumner pointed out that Johnsonian Reconstruction had operated to the detriment of the Unionists. The rebels had been enfranchised and Union men had virtually been disfranchised. One witness reported that four-fifths of the new Florida legislature were "rebel officers." Another complained that proscription of those who had been loyal to the Union was so intense that if federal troops were withdrawn from the state, "it would not be safe for a Yankee or deserter to travel through the country."

Finally, Sumner asserted, the Senate would have to consider the constitution drawn up by Florida's "pretended" convention. "After recognizing the abolition of slavery and therefore the citizenship of those who were once slaves, [the convention proceeded] to decree their disfranchisement. . . ." This was the constitution that senators were expected to recognize--a constitution which proclaimed "the denial of equality to nearly one-half of [Florida's] citizens!" The speaker was prepared to insist, and at the proper time would argue, "that no State among these States where the governments have lapsed can be recognized as republican in form which disfranchises any considerable portion of the citizens."

The Massachusetts senator closed by agreeing that Marvin's credentials should be tabled.⁵ The Senate supported the motion and the

⁵For a report of Sumner's reply to Doolittle, see Congressional

credentials were tabled, never to be acted upon again.⁶ The credentials on Florida's Senator-elect Wilkinson Call met a similar fate on June 6, 1866.⁷

What had happened? Why was Florida denied representation in Congress after having met all the requirements of Presidential Reconstruction. Sumner's reply to Doolittle supplies a partial answer. The Sumner speech was one of several incidents which marked the inception of a political movement opposing Johnsonian Reconstruction--a movement which ran its course from December, 1865 to March, 1867.

During this period, the people of Florida became observers of a political conflict between the President and the Radicals, the outcome of which would determine the political fate of their state. Soon they would learn of the Radical opposition to Presidential Reconstruction as it arose in Congress in the session of December, 1865-July, 1866. Later, in the fall of 1866, they would anxiously watch and wait while the President and his Radical opponents took the issues to the people of the North and West in the congressional campaign of that year. If the voters sustained the President, Florida would be represented in Congress, and

Globe, 39th Cong., 1st Sess., Pt. 1, p. 313.

Sumner believed that "no duty of clemency [could] justify injustice." Federal leaders were honor bound to make certain that "belligerent traitors" were not allowed to rule "constant loyalists" and to require that southern rebels "sustain the Equal Rights, civil and political, of all men, according to the principles of the Declaration of Independence. . . ." For a summary of Sumner's philosophy of reunion, see Charles Sumner, "Clemency and Common Sense," Atlantic Monthly, XVI (December, 1865), 745-760.

⁶Kearney, "Autobiography of William Marvin," p. 218.

⁷Congressional Globe, 39th Cong., 1st Sess., Pt. 4, p. 2980.

thereby restored to the Union. If, on the other hand, the voters sustained Johnson's opponents, Florida's fate would rest with a Radical Republican Congress.

Both phases of this conflict--the struggle between Johnson and the Radicals while Congress was in session, and the debate between the two factions in the congressional campaign of 1866--produced speaking on the part of Floridians which may appropriately be called a rhetoric of vindication. One aspect of this rhetoric, the speaking of Florida's senators-elect in New York state, is part of the story of the congressional campaign of 1866, and is described in Chapter VII. The speaking done in Florida in 1866, which was largely a defensive reaction to the initial phase of the national conflict, constitutes the subject matter of this chapter.

The Scene

The struggle between the President and the Radicals began when Congress met for its first postwar session in December, 1865. At first it seemed that Johnson had the upper hand. He had acted swiftly in the seven months following the surrender, and when Congress assembled it was confronted with those who sought admission as representatives of the re-organized states of the South. In addition to the advantage of time, Johnson had the support of the Northern Democrats as well as of a number of moderate Republicans who favored early reunion. In fact, in Randall's judgment, had the moderates exerted their leadership when Congress first met, "reconstruction could have been effected at once."⁸

⁸Randall, the Civil War and Reconstruction, p. 718.

To the chagrin of the President and the South, however, it was the Radical group that took the initiative and ultimately controlled Congress. The success of the Radical strategists was in part due to their ability to discover "the available means of persuasion."

The endorsement of Presidential Reconstruction rested on the odious assumption that Reconstruction was an executive function--one that lay outside the authority of Congress. Still more important, southern restoration posed a threat to continued Republican ascendancy. Since the South had ratified the Thirteenth Amendment, it was entitled to increased representation in the House of Representatives.⁹ A restored South would make it possible for a reunited Democratic party to control Congress and elect a president. The conqueror could be said to be rewarding southern revolutionists with political control of the Union they had tried to dismember. Finally, a rationalization for delaying restoration was found in the character of the reorganized governments of the South. The political supremacy of ex-Confederates over the freedmen and Unionists could be weighed against such idealistic concepts as equality, justice, and patriotism.¹⁰

By capitalizing on these appeals, the Radicals were able to check Presidential Reconstruction early in the session. Under their leadership

⁹Following the ratification of the Thirteenth Amendment, "the constitutional provision which excluded two-fifths of the slaves from the population by which the number of representatives in Congress for any state was determined became of no effect. . . ." Dunning, Reconstruction Political and Economic, 1865-1877, p. 53.

¹⁰For an analysis of Radical motives and appeals, see Randall, The Civil War and Reconstruction, pp. 718-725.

Congress exercised its constitutional prerogative by refusing to seat the representatives of the Johnson governments until it could be determined whether conditions in the southern states warranted such representation. A Joint Committee on Reconstruction was appointed to determine conditions in the South and to make recommendations regarding the fitness of these states for readmission. This committee composed of three Democrats and ten Republicans and led by Thaddeus Stevens served its creators well by seizing upon whatever evidence was necessary to convey the impression that southerners generally were impenitent rebels dedicated to the oppression of freedmen and Unionists.¹¹

Although Johnson's attempt to produce a fait accompli was thwarted it was still possible for Congress and the President to work out a compromise program. As yet, the Radicals did not control Congress, and there was an appreciable number of moderates who earnestly sought to meet Johnson half way.¹² The passage of the Freedmen's Bureau bill in February of 1866 marked the point at which a compromise was no longer possible between the two departments of government. This bill, which was Congress' answer to the black codes of the Johnson governments, authorized the indefinite continuance of the Freedmen's Bureau and empowered federal military officers to protect freedmen against discriminatory state laws.¹³

¹¹Ibid., p. 724; Dunning, Reconstruction Political and Economic, 1865-1877, p. 66; Coulter, The South During Reconstruction, 1865-1877, p. 115.

¹²Dunning, Reconstruction Political and Economic, 1865-1877, p. 61.

¹³The Freedmen's Bureau had originally been created by Congress on March 3, 1865, to expire one year following the end of the war. An account of the passage of the extension bill of February, 1866, together

Johnson himself had been irritated by some of the provisions of the black codes and had not expressed disapproval of the existing Bureau's function as the protector of the freedmen. Congress, therefore, "anticipated that he might assent to such qualification of his plan for immediate restoration as would be involved in an enlargement of the bureau's functions."¹⁴ Johnson, however, had also been annoyed by Congress' refusal to recognize his reconstructed governments and was convinced that the proposed bill was unconstitutional. For these reasons he blocked the Bureau bill with a veto on February 19. Within eleven days, Congress retaliated by passing a joint resolution which provided "that no senator or representative should be admitted from any insurrectionary state until Congress should have declared the state entitled to representation."¹⁵ The moment for compromise had passed and reunion was made to wait upon the resolution of the political conflict that ensued.¹⁶

Once the lines had been drawn, a bitter struggle dragged on throughout the balance of the congressional session. Congress became the defender of the freedmen, and Johnson stood firm as the defender of the Constitution. On April 9, Congress overrode a presidential veto to

with a summary of Johnson's objections to the measure, may be found in Bentley, A History of the Freedmen's Bureau, pp. 116-119.

¹⁴Dunning, Reconstruction Political and Economic, 1865-1877, p. 60.

¹⁵Ibid., pp. 60-62.

¹⁶For an account of the initial clash between the President and Congress, see ibid., pp. 51-62.

pass the Civil Rights bill which conferred citizenship on the freedmen and made it a federal offense to deny equal rights to any citizens of any state.¹⁷ On June 13, it passed the Fourteenth Amendment and sent it to the states for ratification.

This amendment formalized what Congress considered the most important results of the war. Of the four sections of the amendment, two pertained to the freedmen. The first contained the major features of the Civil Rights Act, which Congress hoped to sustain by making it a part of the Constitution. The second contained the Radicals' answer to the problem of increased southern representation resulting from emancipation. It provided that a state denying suffrage to any of its citizens would suffer "a proportionate reduction of representatives in the lower house." The third section precluded the possibility of "rebel rule" by calling for the disqualification for federal or state office of anyone who had taken an oath to support the federal Constitution and had then participated in the rebellion.¹⁸ Finally, on July 16, the Radicals showed their growing strength and added insult to injury by passing a new Freedmen's Bureau bill over Johnson's veto.¹⁹

¹⁷Dunning, Essays on the Civil War and Reconstruction and Related Topics, pp. 91-99.

¹⁸The fourth section of the amendment called for a formal repudiation of all Confederate debts, the renunciation of all claims for compensation arising from emancipation, and for formal recognition of the validity of the national debt. For an historical analysis of the Fourteenth Amendment, see Randall, The Civil War and Reconstruction, pp. 735-740.

¹⁹For a detailed account of Johnson's attempt to discredit the Bureau and the Radical success in securing the passage of the July Bureau bill, see Bentley, A History of the Freedmen's Bureau, pp. 121-135.

When Congress adjourned in July of 1866, it was apparent that this body and the President could not agree on a program of reunion. Since neither side would compromise its position, both prepared to win the support of the voters of the North and West in the approaching congressional elections. This was the situation described by senator-elect William Marvin when he informed the people of Florida that the deadlock between the President and Congress over reunion could "only be settled by an appeal to the people at the next elections."²⁰

With the exception of a disgruntled minority made up of Unionists and Republicans, the people of Florida were embittered by the Radical Republican attack on Presidential Reconstruction. The Democratic Floridian assailed Sumner's reply to Doolittle as a slander on the state. It was, the paper declared, a "long tirade" full of "stale and silly falsehoods" about disloyalty and the ill treatment of freedmen.²¹ Such "vile slanders" provided by so-called "reliable witnesses" from Florida were "the means relied on to prolong bitterness and strife and defeat the President's noble efforts to heal the bleeding wounds of a distracted country."²² Florida's Unionists showed themselves to be a sorry lot when they appealed "to such a man as Sumner . . . to consummate the work of 'reconstruction.'"²³ Moreover, the Senate had made a tactical error in

²⁰ William Marvin to [Charles E. Dyke], Washington, April 7, 1866, in Tallahassee Semi-Weekly Floridian, April 20, 1866.

²¹ Tallahassee Semi-Weekly Floridian, January 30, 1866.

²² Ibid., February 9, 1866.

²³ Gainesville Weekly New Era, February 3, 1866.

slamming the door in Marvin's face, for Andrew Johnson would regard this as a personal affront and would treat it accordingly.²⁴

In late February when the telegraph brought the news that the President had vetoed the Freedmen's Bureau bill, the Democratic Sentinel hailed Johnson for his "firmness and determination to do right."²⁵ After Congress answered the veto with its concurrent resolution declaring that no southern representatives would be admitted to that body until Congress should have declared a state entitled to representation, Floridians began to realize that immediate reunion was unlikely--that they would remain in political limbo until the issues were resolved in Washington. The Sentinel thought the southern states had become "the sport of political thimble riggers--'now you see 'em and now you don't'. . ."²⁶ The New Era, which was probably the most radical Democratic organ in the state, philosophized: "If the Union is a political Heaven and the State of Florida is a 'political Hell,' then we must be in a kind of political territorial Purgatory, for we are neither in nor out."²⁷

The speaking done in Florida during this period of uncertainty reflected the divisiveness on the national scene. A minority group composed of Unionists or Loyalists, who had supported Presidential Reconstruction in 1865, only to be virtually excluded from office in the

²⁴Tallahassee Semi-Weekly Floridian, February 6, 1866.

²⁵Tallahassee Tri-Weekly Florida Sentinel, February 24, 1866.

²⁶Ibid., March 10, 1866.

²⁷Gainesville Weekly New Era, March 10, 1866.

reorganized government, now joined a growing nucleus of Republicans in the state and supported the Radicals in Washington.²⁸ The relatively feeble efforts of this minority were overshadowed, however, by the speaking of Florida's Conservatives. The addresses of the ex-Whigs and Democrats who controlled the politics of Florida's Johnson government constitute the rhetoric of vindication in Florida.

Of the fourteen speeches located for the year 1866, seven tell the story of this rhetoric.²⁹ On March 19, Lieutenant-Governor Kelly and Dillon Jordan, a prominent attorney, spoke at a meeting in Pensacola that had been called to discredit testimony given before the Joint Committee on Reconstruction by a federal officeholder in that city. On May 5, Governor Walker, in a speech at Quincy, called on the people of the state to suppress any "lawless act" or "indiscreet expression" that could be used to sustain the Radicals and disarm the President. On June

²⁸For a bibliography of the movement opposing Presidential Reconstruction in Florida in 1866, see fn. 12, Chapter I.

²⁹Seven of the fourteen extant speeches, although not directly related to the rhetoric of vindication, may be of interest to students of the period. They are (1) speech of Liberty Billings and (2) speech of Daniel Richards at Unionist meetings in Fernandina in February and July, 1866. See *ibid.* (3) Speech of Robert Bullock, agent of the Freedmen's Bureau on labor contracts, to the freedmen at Long Swamp, September 20, 1866. Ocala Weekly Banner in Tallahassee Tri-Weekly Florida Sentinel, October 9, 1866. (4) Speech of Charles H. Pearce (Negro), Methodist minister from Canada, and (5) Speech of Thomas Harley (Negro) at a meeting called to discuss freedmen's rights under the Homestead Act, African Methodist Episcopal Church, Tallahassee, October 13, 1866. *Ibid.*, October 16, 1866; Tampa Weekly Florida Peninsular, November 10, 1866. (6) Speech of Judge J. Wayles Baker to the Grand Jury of the Leon County Circuit Court, March 26, 1866. Tallahassee Tri-Weekly Florida Sentinel, March 27, 1866. (7) Speech of Samuel Spencer, a Gainesville attorney, on the occasion of the organization of the Gainesville Literary Association, Gainesville, May 25, 1866. Gainesville Weekly New Era, June 1 and 8, 1866.

16, Wilkinson Call, one of Florida's senators-elect, who had just returned to the state after spending several months in the North, gave the citizens of Fernandina an optimistic report of northern public opinion regarding the readmission of the South. On June 25, in Gainesville, E. W. Perry digressed from his theme of the immortality of Masonry to point up the instability of Republican leadership in Washington. Sometime in the fall of 1865, Thomas T. Long, in delivering a charge to the Grand Jury of Levy County, expanded his theme of civil responsibility to include a eulogy of the President and a scathing denunciation of the Radicals. Finally, in an address read before the Florida legislature, Governor Walker on November 16 called for the rejection of the proposed Fourteenth Amendment and presented what was probably the last apology for Presidential Reconstruction in Florida.

The Discourse

Speeches of William W. J. Kelly and Dillon Jordan

On the evening of March 19, the citizens of Pensacola met in their courthouse in response to a notice that a meeting would be held to take action on evidence given before the Reconstruction Committee by one John W. Recks, a federal office holder of that city. A crowd began to collect at an early hour, and by the time Mayor George W. Hutton rapped for order the chamber was "filled to repletion."³⁰

³⁰Pensacola Tri-Weekly Observer, March 24, 1866, in Tallahassee Semi-Weekly Floridian, April 13, 1866.

The people of Pensacola were deeply concerned with the fate of Johnson's plan of early restoration. Pensacola had been besieged early in the war, and its citizens had long suffered the consequences of

After the appointment of Sewall C. Cobb as chairman, a committee was elected to formulate resolutions for the action of the assembly. While the committee retired to discharge this function, Cobb, at the request of those present, read Recks' testimony. Recks, a customs official who had been assigned to Pensacola at the end of the war, had told the Reconstruction Committee that the people of Florida felt that though they had been "overcome," they had not been conquered. That military force was necessary to secure the legal, political, and physical well-being of all citizens was beyond question. The whites were deceitful, and if they had the power "they would use it to destroy Union men." It was Recks' opinion that the only way to deal with the people of Florida was to "pin them down at the point of the bayonet so close that they would not have room to wiggle. . . ." ³¹

After hearing this report of Recks' testimony, the meeting was ready to consider the resolutions prepared by the committee. The committee's report, which received unanimous approval, was for the most part a rebuttal of Recks' charges. His assertions were "untrue in every feature and [inflicted] great injustice not only on the citizens of Pensacola, but also on the citizens of Florida in general." The people

military occupation. As early as May 9, 1862, the Confederates had been forced to evacuate, and as a part of this operation most of Pensacola was burned to the ground. Those who remained became wards of the federal government when the city was surrendered on May 10, 1862. For an account of the Civil War in Pensacola, see Davis, The Civil War and Reconstruction in Florida, pp. 165-168.

³¹ Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess., Pt. 4, pp. 1-5. For biographical data on John W. Recks, see ibid; Pensacola Tri-Weekly West Florida Commercial, January 22, 1868.

of Florida had taken the President's oath of allegiance "in good faith," and did so with an honest determination "to fulfill its obligations, and to deport themselves as true and loyal citizens of the United States. . . ." Their reverence for law and order was such that military force was not necessary for the protection of any citizen, "irrespective of color."

The committee also deemed it proper that the people express their "profoundest gratitude" to President Johnson for his defense of the Constitution "against its enemies" and for providing the hope of "a speedy restoration of [Florida] to the Union."

Two final resolutions provided for the promulgation of these declarations. The officers of the federal army and navy stationed in Pensacola were asked to add their testimony to counter Recks' charges of disloyalty. All local citizens who approved the resolutions were also asked to sign them; and a committee was to be appointed to forward these petitions, along with a copy of the proceedings of the meeting, to President Johnson, Thaddeus Stevens, chairman of the Reconstruction Committee, and to the Associated Press.

Following the committee's report, two of its members, William W. J. Kelly and Dillon Jordan, spoke in support of the resolutions. Kelly, who was lieutenant-governor of Florida, sustained them by pledging the endorsement of the people throughout the state, and with "great feeling and sincerity" gave personal testimony of the "good faith" that had been manifested by the Florida convention and legislature in accepting the provisions the President had deemed necessary for "our restoration to

the Union." Jordan, a prominent criminal lawyer and Democratic leader in Escambia County,³² appealed to southern pride and vouched for the loyalty of Floridians when he argued "that the man who fights bravely and surrenders in good faith is most to be trusted as a loyal, reliable citizen." He also appealed to northern sympathy, and at the same time supported the resolutions, by greeting "those of our Northern brethren who [have] settled among us, and [by thanking] them for the interest they [had] manifested in getting up the meeting and in having justice done. . . ."

Jordan's remarks moved George J. Alden, a northerner who had served on the resolutions committee, to deliver a response. His address, which was given in a "spirit of fraternity" and contained further testimony of the "loyalty and manhood" of Floridians, provided a fitting climax for a mass meeting that had been called to "set Florida right" before the judgment seat of the North in general and the Reconstruction Committee in particular.

The Pensacola press reported the meeting and satisfied the pride of Pensacola's citizenry by publishing a formal account of the proceedings. Pensacola had taken the lead! It could claim that its protest

³²Jordan, a native of North Carolina, was educated at Mount Saint Mary's College in Emmitsburg, Maryland, and returned to his native state to study law. After passing the bar and serving a term in the North Carolina legislature, Jordan was appointed United States District Judge of the Territory of Florida by Martin Van Buren in 1837, and served until 1845. During James K. Polk's administration he was a customs official for the Port of Pensacola. From 1849, until his death in 1872, Jordan remained in Escambia County where he was recognized as an outstanding criminal lawyer and leader of the Democratic party. Pensacola Weekly Mail, January 30, 1872.

meeting had been the first to send "rebutting testimony" to the Reconstruction Committee. In the Observer's opinion, "the President [had been] sustained."³³

Speech of David S. Walker

Recks' charges of disloyalty and impending disorder in Florida produced a reaction in the state that extended beyond Pensacola. The fact that the Reconstruction Committee solicited such testimony served as a warning that any indiscreet act or expression by a Floridian would be used by the Radicals to discredit Florida's Johnson government.

In April of 1866, an event took place which gave Governor David S. Walker an opportunity to convey this warning to the people of Florida. On April 27, 1866, General John G. Foster, Florida's military commander, acting on the orders of the President and the Secretary of War, authorized provisional restoration of civil law throughout the state.³⁴ On the same day, Walker issued a lengthy proclamation in which he hailed the restoration of Florida's civil courts, calling upon the people to avert the

³³For an account of the Pensacola meeting, the resolutions, and the speeches, see Pensacola Tri-Weekly Observer, March 24, 1866, in Tallahassee Semi-Weekly Floridian, April 13, 1866.

³⁴In a proclamation issued on April 2, 1866, President Johnson declared that the "insurrection" which had existed was "at an end" in Florida and nine other southern states. Richardson, Messages and Papers of the Presidents, VI, 429-432. On April 27, 1866, General John G. Foster informed the people of Florida in General Orders Twenty-Eight, that the Secretary of War, with the approval of the President, had ruled that although the President's proclamation of April 2 had not removed martial law, it would not be expedient "to resort to military tribunals in any case where justice [could] be attained through the medium of civil authority. . . ." For a copy of Foster's order, see Fernandina Weekly Courier, May 16, 1866.

necessity of military intervention by demonstrating their respect for law and order, and warning that any conduct suggestive of disloyalty or disorder would strengthen the Radicals in their fight against the President.³⁵

One week later, on May 5, the people of Quincy held a festival to celebrate the restoration of civil law--a festival that included drilling, tilting, and speechmaking, all of which were climaxed with a "bountiful dinner." The drilling and tilting by the Dragoons under the direction of Florida's War Eagle, Jesse J. Dickison, was judiciously selected as a means of beginning the day's festivities, for the chivalric spectacle both thrilled and unified the spectators, preparing them for the speechmaking which followed.

Walker, the featured speaker of the day, no doubt welcomed an opportunity to speak on the exigencies of the moment. He began his address by identifying himself with his audience. He was gratified, he said, to meet with so many citizens of Gadsden County.³⁶ Although he did not know many of the young people in the audience personally, he had known "their

³⁵Tallahassee Semi-Weekly Floridian, May 4, 1866; Tallahassee Tri-Weekly Florida Sentinel, May 8, 1866; Jacksonville Weekly Florida Union, May 12, 1866.

³⁶Gadsden County, located in the "black arc" area, constituted a likely trouble spot. Here, as well as in the surrounding "black arc" counties, one-time masters lived in the midst of an overwhelming number of their former slaves. Neither race had yet become fully accustomed to its new status. The freedmen, who had suddenly been released from restraint, were bent on testing their rights; and the whites, who had once exercised complete and direct control over the slave, now feared for their lives and property. The situation, in short, was such that even a minor incident could precipitate widespread racial conflict.

The nature of affairs in this area helps to explain why Marvin visited Quincy in 1865 to speak on the relations that ought to exist

fathers before them, . . . and felt he could speak to them as an old acquaintance."

The Conservative leader had come to Quincy with words of comfort and of counsel. Almost a year before, the military had occupied Tallahassee. Federal soldiers had been "stationed in every town and neighborhood, and their will was the only law we knew." But "Look at the scene to-day!" Martial law had been provisionally removed and was to be resorted to "only in cases where justice [could not] be had before . . . civil tribunals." Florida's capitol was again occupied by civil officials "chosen by the people." Floridians had once again become a free people.

Approaching his second point--the importance of peace and quiet in Florida--Walker inquired: "To whom are we indebted for this great change?" The answer, which he thought should be known by all, was that "next to God, our thanks are due to the President of the United States." Through "his wise reconstruction policy he has led us step by step, . . . until by almost insensible degrees he has conducted us out of the 'Slough of Despondency' and placed our feet upon the high ground of Hope."

"But, fellow-citizens," Walker continued, "I am pained to be obliged to say to you that the President finds himself on account of what he has done for us, under great difficulties." These difficulties

between the races, and why Walker accepted the Quincy invitation to talk of the need for peace and quiet in 1866. For accounts of inter-racial skirmishes in Gadsden in 1866, see Jacksonville Weekly Florida Union, June 2, 1866; Quincy Weekly Commonwealth, July 31, 1866, in Gainesville Weekly New Era, August 10, 1866.

stemmed from a conflict which had only recently developed between the President and a Radical party in Congress.

The entire Southern delegation being excluded, there is in Congress a majority of two-thirds against him. He stands almost alone on the ramparts of the constitution, but thank God, he has an undaunted heart and a stalwart arm with which he wields the flaming sword of justice and truth. His enemies pay no attention to his warning voice against their infractions of the constitution, but seem madly resolved to rush into consolidation and centralism, which he pronounces as dangerous a heresy as secession itself. They say that what he has done for us makes him a usurper. They say that we are disloyal and rebellious and unfit for the enjoyment of civil liberty. He says that we "are well and loyally disposed" and that all the laws, both State and Federal, may be enforced by the civil tribunals. They denounce him as a traitor, and if we may regard the utterances of their newspapers, they are gathering strength to impeach and remove him from his high office.

Having told his listeners of Johnson's fight for the preservation of the Constitution and of the liberties of southerners, Walker presented what was probably the keynote of the rhetoric of vindication in Florida. He said:

Floridians were never known to turn their backs on friend or foe, and therefore you ask what can we do for the magnanimous man who thus bares his breast in our behalf against such fearful odds? My answer is that the best way in which we can assist him and serve the cause of truth, justice and the constitution of our country is to keep cool and quiet, obey the laws, and by the daily beauty of our lives, force conviction on the minds of all that we are not unworthy of freedom.

Each citizen was asked to "remember that every lawless act . . . and every indiscreet expression that [might] be uttered [would] immediately [be] exaggerated and published broad cast over the Northern States with the view of making it appear that the President is wrong and his enemies right." If Florida was to survive this "fearful ordeal," her citizens

would have to be as "wise as serpents, and [as] harmless as doves."

Walker climaxed his appeal for law and order by asking that every man in the state exercise faithfully "all of his duties as a loyal citizen of the United States, to see that all crime [is] instantly punished, and that all the laws, . . . particularly those for the protection of the freedmen, [are] duly executed."

The people of Quincy received the Governor's admonitions with "prolongued applause and cheers."³⁷ His proclamation, which may be regarded as the written counterpart of his Quincy speech, had likewise met with a favorable response. The Conservative Floridian thought that it contained "timely cautions."³⁸ The Monticello Family Friend regarded the document as "a fine paper" both in "style and tone."³⁹ Several weeks after the proclamation's appearance, the Tallahassee Sentinel related that "leading conservative journals throughout the North" had published it in its entirety and predicted that "such a document [would] go far towards satisfying our enemies of the sincerity of our professions of loyalty, and of a desire for our restoration to the Union."⁴⁰

³⁷ Walker's Quincy speech, described above, was reconstructed from a reporter's sketch and from Walker's proclamation of April 27. The reporter's account of the speech was published in the Quincy Weekly Commonwealth, and was copied by the Tallahassee Semi-Weekly Floridian, May 11, 1866. For a copy of Walker's proclamation, see ibid., May 4, 1866.

³⁸ Tallahassee Semi-Weekly Floridian, May 4, 1866.

³⁹ Monticello Weekly Family Friend, May 12, 1866, in ibid., May 15, 1866.

⁴⁰ Tallahassee Tri-Weekly Florida Sentinel, May 31, 1866. The New York Times gave the proclamation front page coverage. See New York Times, May 21, 1866.

Speech of Wilkinson Call

While Walker strove to promote law and order within the state as the best means of supporting the President's contention that Florida was ready for reunion, her senators-elect, William Marvin and Wilkinson Call looked to the state's interests in Washington. Although barred from their seats in the Senate, they were able to serve Florida outside of Congress by consulting with the President, by calling on various departments of the federal government, by keeping a close watch on the activities of the Radicals, and by creating good will for their state through their contacts with politicians and northerners generally.⁴¹

When one of these senators-elect, Wilkinson Call, returned to Fernandina for a brief visit in June of 1866, he found local citizens anxious to learn of the state of affairs in the North.⁴² On the evening

⁴¹For information on the activities of Florida's senators-elect in Washington in 1866, see William Marvin to [Charles E. Dyke], Washington, D. C., January 22, 1866, in Tallahassee Semi-Weekly Floridian, February 9, 1866; letter from an unidentified correspondent to the Marianna Weekly Courier, Washington, D. C., February 16, 1866, in Tallahassee Semi-Weekly Floridian, March 27, 1866; David L. Yulee to David S. Walker, Fort Pulaski, February 21, 1866; Wilkinson Call to David L. Yulee, Washington, February 25 and March 4, 1866, in Yulee Papers; William Marvin to [Charles E. Dyke], Washington, D. C., April 7, 1866, in Tallahassee Semi-Weekly Floridian, April 20, 1866; correspondence of "Dallas," special Florida correspondent in Washington, D. C., in Tallahassee Tri-Weekly Florida Sentinel, April 7, 1866; Wilkinson Call to the Governor of Florida and the Members of the General Assembly, Washington, D. C., May 27, 1866, in ibid., June 30, 1866.

⁴²An editorial in the Tallahassee Floridian furnished an explanation of why the people of Fernandina were anxious concerning affairs in Washington in 1866. "Surely," reported the Floridian, "Fernandina has more than its share of annoyances of one sort or another. It is not enough that the sentiments, feelings, and actions of its people shall be misrepresented by scribblers for northern papers; that negro-worshippers shall come among her people and embitter the feelings of the negroes

of June 16, he responded to their solicitations by giving a short speech.

Call carefully avoided any comment that would demoralize or in any way discourage his listeners. In fact, he made no attempt to give an accurate account of the Radicals' success or to reveal their unswerving determination to overthrow the Johnson governments.

What he did say was designed to bolster southern morale. "He had found nothing in his experiences in the North in the last three months to make him think less highly of his own people, or to induce them to feel humiliated or despondent." While in New York and Washington he had come upon "many proofs of respectful appreciation and kind feeling" toward the southern people. They were respected because of their "great qualities of character" and their "fidelity to their conviction of right." Furthermore, the speaker had had an opportunity to assure the northern people that Floridians could be counted on to demonstrate these

against the whites; that men holding official positions shall write letters to the highest military authority denouncing them as 'disloyal' and urging that they should be still further humbled and kept in subjection by the exercise of military authority; but their property is fraudulently withheld from them after having complied with every requirement of the law for its recovery. No other portion of the State has been so sorely tried." Tallahassee Semi-Weekly Floridian, July 23, 1866.

In addition to these problems, Johnson's sympathizers in Fernandina were antagonized by the presence of a large number of northern political adventurers and local Unionists and by the intermittent reigns of civil and martial law. See Tallahassee Tri-Weekly Florida Sentinel, April 5, 1866; report of a New York World correspondent who accompanied Generals James B. Steedman and Joseph S. Fullerton on their tour of Fernandina in 1866, in Tallahassee Semi-Weekly Floridian, June 8, 1866; letter of "X" to Gainesville New Era, Fernandina, September 24, 1866, in Gainesville Weekly New Era, October 12, 1866.

same qualities as citizens of a restored Union.⁴³ In short, his contact with northerners generally had convinced him that "the public mind of the North was rapidly tending towards the admission of the Southern States to their right of representation without restriction."

In addition to a favorable northern public opinion, Call continued, there were other signs that justified a confident view of Florida's future. It was evident that the President was a friend of the South. Another national figure, General Ulysses S. Grant, had on a number of occasions demonstrated a magnanimous attitude toward the southern people.⁴⁴ It appeared, moreover, that even the Radicals had made "great concessions."

⁴³Call probably referred to a speech he had made at the Manhattan Club on Fifth Avenue in New York City, on April 16, 1866. He, along with others, spoke at a banquet held to honor James Brooks, a Democrat who had been seated as congressman from New York, but who was expelled to make way for William E. Dodge, a Republican contender from Brooks' district.

On this occasion, Call testified that the South had accepted "the invitation to return to the Union." The battlefields of the past had found the South "manly, brave and heroic; but now and in all future time," he declared, "she [would] shed her blood as freely for the flag of the United States as in the past she has misguidedly shed her blood against it." For the text of Call's speech and an account of the New York meeting, see New York World, April 17, 1866. See also Tallahassee Semi-weekly Floridian, April 27, 1866; Tallahassee Tri-Weekly Florida Sentinel, May 12, 1866; Gainesville Weekly New Era, May 11, 1866.

⁴⁴In a letter to Governor Walker and the General Assembly, Call praised Grant as a friend of the South. To General Grant, he wrote, "special acknowledgment is due for giving the great weight of his official recommendation in favor of the release of our citizens in confinement and the relief of our people in other respects. Upon all occasions, when I have had such applications to make to him, they have received a kind and prompt attention." Wilkinson Call to the Governor of Florida and the Members of the General Assembly, Washington, D. C., May 27, 1866, in Tallahassee Tri-Weekly Florida Sentinel, June 30, 1866.

They had practically "abandoned all of the substantial points" which they had originally supported.⁴⁵

Call concluded as he had begun--by telling his listeners that the people of the South had no cause for shame. Their noble deed had left them a "heritage of honor and glory," and neither "the true people of the North" nor the federal government would cause them to dishonour such a memory.

A reporter who heard Call speak concluded his account of the address with a terse but revealing comment. "Mr. C's speech," he wrote, "made us all bright and hopeful. . . ." ⁴⁶ Those who were conversant with national affairs more than likely realized that Call had overstated his theme of optimism--even to the point of misrepresentation. At the

⁴⁵This remark, of course, was contrary to fact. Call knew that the Radicals had no intention of abandoning their campaign against Presidential Reconstruction. Eighteen days before his Fernandina speech, Call wrote Governor Walker and the General Assembly that Johnson, members of his cabinet, and General Grant were laboring to "lighten our burdens and restore permanently the relations of peace and friendship." Congress, on the other hand, had, prior to his arrival in Washington, "adopted measures" to exclude the South from representation. "These measures," he reported, "have not since been in any degree modified, and all hope of their change, until the elections . . . has disappeared." Call had probably assumed that his letter would not be released for publication. See *ibid.* Ten days before the Fernandina speech, Call was barred from his seat in the Senate. Congressional Globe, 39th Cong., 1st Sess., Pt. 4, p. 2900.

⁴⁶For an account of Call's Fernandina speech, see Fernandina Weekly Courier, June 20, 1866, in Gainesville Weekly New Era, June 29, 1866. So far as the writer knows, Call's speech is the only extant speech of Florida's senator-elect in Florida in 1866. Both Call and Marvin spoke before the Florida legislature on November 23, 1866, but the writer was unable to locate any account of what they said. See Tallahassee Tri-Weekly Florida Sentinel, November 26, 1866; Tallahassee Semi-Weekly Floridian, November 23, 1866.

same time, however, they probably also agreed that an anxious people needed a measure of hope in order to abide a period of political uncertainty.

Speech of E. W. Perry

On July 14, 1866, less than a month after Call's Fernandina speech, the Tallahassee Sentinel published an editorial that contrasted sharply with Call's theme of optimism. "The most hopeful eye that gazes upon the political horizon of our country to-day," reported the Sentinel, "must admit that it is dark. . . ."

Much that [has] been done by the President's single arm, has been undone by the Senators and Representatives now in Washington; they have withheld legislation where it was needed, pressed sectional measures wholly unnecessary, denied recognition not merely of our rights, but of our having any claim upon the forbearance or magnanimity of our conquerors. In short they have reopened the wound that was healing. . . .⁴⁷

The Sentinel's pessimism stemmed from the latest Radical attack on presidential Reconstruction, the passage of the Fourteenth Amendment--an amendment which promised protection and privilege for the freedmen and political disability for the whites.⁴⁸ Two days after the appearance of

⁴⁷Norfolk Virginian, in Tallahassee Tri-Weekly Florida Sentinel, July 14, 1866. See "Our Prospects," in Tampa Weekly Florida Peninsular, June 16, 1866.

⁴⁸The third section of the amendment barred from federal and state office all who as officeholders before the war had taken an oath to support the federal Constitution and had then joined the rebellion. Those who were affected by the clause were to suffer political disability indefinitely or until redeemed by a two-thirds vote of Congress. The amendment actually struck at "the experienced and intelligent leadership of the Southern states, for there were very few prominent rebels who had not been officeholders before 1861." William A. Russ, Jr., "Disfranchisement in

the Sentinel editorial, and shortly before Congress adjourned, the Radicals climaxed their attack on presidential Reconstruction by securing the passage of the Freedman's Bureau bill--a measure which gave federal officials sweeping military and judicial authority to safeguard the legal rights of the freedmen throughout the South.

These measures, which made the Radical philosophy more apparent and which provided convincing evidence of the emerging power of the Radical party in Congress, precipitated the final phase of the rhetoric of vindication in Florida--a rhetoric which was now marked by bitterness, vituperation, and militant defense.

On June 25, 1865, twelve days after Congress passed the Fourteenth Amendment, E. W. Perry, a civil engineer by occupation and senior warden of the Hayward Masonic Lodge,⁴⁹ spoke to the members of his fraternity and the general public in the Presbyterian Church in Gainesville.⁵⁰

Florida during Radical Reconstruction," Susquehanna University Studies, IV (March, 1950), 166.

⁴⁹Perry advertised as a "County surveyor and Civil Engineer." Gainesville Weekly New Era, July 20, 1866. For information on Perry's activities as a Mason, see The First Century of Gainesville Lodge No. 41 F. and A. M., Gainesville, Florida, 1857-1957 (Gainesville, 1957), p. 26.

⁵⁰Gainesville, located in one of the "black arc" counties, was another of Florida's likely trouble spots. The city had been invaded and liberated several times during the last years of the war. Davis, The Civil War and Reconstruction in Florida, pp. 284, 305. In 1865, its citizens had been outraged when the city was garrisoned by "blacks in blue." Gainesville Weekly New Era, December 16 and 23, 1865. Gainesville's free press was challenged when the local military commander exercised censorship over the New Era until ordered to desist by General John G. Foster. See "A Free Press Again," in ibid., November 18, 1865. In June of 1866, there was a slight disagreement between the races regarding the ownership of the Methodist Church which had been in the possession of freedmen since the close of the war. Ibid., June 15, 1866. In July of that year all of Alachua County was remanded to martial law because the

Although Perry's central theme was the immortality of Masonry, he spent most of his time discussing the condition of Christendom. "While the Mohammedan and Pagan nations of the world are getting on peacefully and quietly enough," the speaker contended, "the Christian powers in both continents are in a ferment of war and war's worst passions."

In order to illustrate this observation, Perry took his audience on a tour of the world. Beginning with the New World, the speaker declared:

In the new world, Christian Canada is arming against the Christian Fenians; Christian Mexico is in a blaze of domestic conflict; Christian Brazil and her republican allies of Eastern South America are thundering away at the gates of Christian Paraguay; Christian Chile and Peru are battling for dear life with the fleets of Her Most Catholic Majesty of Spain; and in our own model Christian republic of the United States, a great political party, professedly devoted to progress and philanthropy, is making the most persistent and furious efforts to keep alive and intensify all the hatreds, rancors, and spites engendered by the greatest and most terrible civil war on record.

In Europe, the scene was much the same. Christian nations were at each other's throats, while pagan nations lived at peace with one another.

Events in Washington alone were sufficient to demonstrate that "the Crescent just now sheds a milder and less baleful light on mankind than the Cross." Here "the worst ravings of a cruel and remorseless fanaticism under the conquering Islamite Caliphs of old are daily

civil authorities had not "acted properly, in bringing offenders against the law, to justice." Ibid., July 29, 1866.

paralleled by the way in which men claiming to be Christian and republican legislators talk of their fellow citizens, lately their enemies, but now lying defeated in the power of the government."

The speaker drove home the point that Radical leaders had little love for their southern brethren by employing two rhetorical questions. "What dervish or cadi," he asked, "ever transcended Mr. Thaddeus Stevens' atrocious exclamation on the floor of the American Congress that the 'people of the South ought to be confined by bayonets in the penitentiary of hell?'" "And is it not enough to try one's faith in the reality of human progress," he inquired, "that a temper such as this should, after eighteen centuries of Christianity, be the outcome of the great American experiment of government by the people?"

Although Perry concluded his speech by pointing to the fact that Masonry lived "unchanged with changing time," it is interesting to note that he had not been able to do this without pointing with bitterness to what he believed to be the un-Christian attitude of the Radical party in Washington.⁵¹

Speech of Thomas T. Long

Within a month after his political antagonists left Washington, President Johnson, undaunted by the Radical refusal to recognize the reconstructed states of the South, acted to strengthen them. On August 20, 1866, he issued a proclamation in which he declared that the insurrection had ended and that peace and civil authority once more existed

⁵¹For the full text of Perry's speech, see ibid., July 13, 1866.

throughout the nation. In effect, this proclamation announced the unconditional restoration of civil law in the reconstructed states of the South.⁵²

Accordingly, officials in Florida set about the business of restoring the agencies of civil law on all levels of government. In some parts of the state the courts had been re-established when civil law was provisionally restored in April, 1866. Some counties, however, had been remanded to martial law and had yet to complete the re-organization of their court systems.⁵³ One aspect of this process was the selection and instruction of grand juries.

Sometime during the fall of 1866, the grand jury of Levy County assembled to be instructed by the recently appointed judge of the Suwannee Circuit. The man who took the bench to deliver the charge was Thomas T. Long, a Democrat, a former secessionist, and an ex-Confederate.

Under ordinary circumstances, a judge would probably have done no more than given the jury a formal charge. But Long went beyond this. He used the occasion to praise the President as a defender of civil liberty, to denounce Congress as the oppressor of a conquered people, and to counsel Floridians to moderation and respect for law as the best means of demonstrating that they were worthy of freedom.

Through the "indomitable will and patriotism of our virtuous and inflexible Chief Magistrate," Long began, the state courts were now able

⁵²Richardson, Messages and Papers of the Presidents, VI, 434-438.

⁵³Such was the case in Escambia, Santa Rosa, Madison, Alachua, and Levy counties. Gainesville Weekly New Era, July 29, 1865.

to re-assume "their original power and duties." The President's act would take its proper place in history and would be "transmitted to grateful generations." Civil law had again come to a people who had been sorely tried and who deeply appreciated the efforts of the President "to shield them from oppression and preserve their Constitutional Liberty."

Turning his attention to the President's antagonists, Long attacked Congress in a direct statement. "The Legislative branch of Government," he declared, "has usurped or at least tried to usurp, the entire Government, . . . and attempted to provoke the South into acts of cruelty, violence, and disloyalty."

The Radicals specifically had allowed sectional hatred and personal animosity to become major stumbling blocks to reunion. Such men, in Long's opinion, were not fit to legislate for the nation.

I fear that the time is not far distant when the American people shall have cause to believe that it is far better that our country should be ruled by a despot with a glittering tiara on his head, than by the authors of the Civil Rights bill, whose animosities seem embittered by our attempts for separate independence in the late conflict . . . and who have not the magnanimity to be either generous or just to a fallen foe, unwilling to award us credit for the manliness we have displayed, or to our soldiery any other position than that of vassals; and who now insult us by torturing our integrity and the purity of our motives into sycophancy and hypocritical professions.

These politicians, he continued, were "so debased and confirmed in their views, so wedded to power, so blinded by a wretched adherence to sectional prejudices, that they have forgotten all the precepts of enlightened nations, and that canonized maxim, 'that to be truly great is to be truly good'."

After attacking the Radicals for their lack of statesmanship, Long consoled his listeners by predicting that the "continuation of such unwarrantable abuse and oppression upon a minority" would arouse the patriotism of the nation. "An indignant people," he asserted, would surely strip these politicians of the power they had "so grossly abused." "So rose the Danite strong Herculean Sampson from the harlot lap of Philistian Delilah and walked shorn of strength."

Taking up the first of the charges he had made in his opening statement--that Congress had usurped the entire Government--Long declared: "A corrupt Congress snatches the reins of government, dictates to the other departments, and threatens to decapitate the Executive under the form of impeachment. . . ." Such tactics put Radical politicians in a position "to carry out an unbridled war upon the Constitution," to annihilate "State sovereignty," and to restrain "the liberties of the people." The trade and commerce of the South were already in a state of decay because of "the ill-advised and unhappy interference with the labor of the country, by the Freedmen's Bureau and Civil Rights Bill. . . ."

Yet, despite all of these "political trials," continued Long, despite the fact that the southern people had even been "goaded by the oppressor," they had been steadfast in their fealty to the Constitution and the laws of the country. They had pursued and would continue to follow the proper course--that of biding their time and "relying upon the integrity and wisdom of those who hold out to us equality in, and perpetuation of the Government as we originally received it from the

framers, and not as it could or would be administered by a sectional party."

How far the Radicals would ultimately go was a question Long hesitated to answer. It was "beyond the limits of the most capacious imagination to say how far the [Radical] lust for power and gain [would] carry them, and, as we have no back stairs knight in the Castle, we fear to express our apprehensions."

Having heralded the return of civil law with praise for the President and an attack on Congress, Long concluded his address by presenting a charge which was directed both to the grand jury before him and to the people throughout Florida. None would want it said that the restoration of civil authority was a farce or that "we are unworthy of the trust or unwilling to execute it." All were advised to be moderate and prudent, "to bear with becoming manliness the evils we cannot avoid, and to faithfully do and perform the several duties incumbent upon [us] as officers of the law and citizens of the State."

Although Long had spoken in a different county and on a completely different sort of occasion than had Perry, he became the second speaker in Florida who digressed from a specific theme to comment on the fanaticism of the Radical party in Washington. An estimate of the reception given his remarks may be gleaned from the fact that they were published at the request of those who heard them.⁵⁴

⁵⁴For the complete text of Long's speech, see Tallahassee Semi-Weekly Floridian, November 9, 1866.

Message of David S. Walker

Throughout 1866, a year of uncertainty, the people of Florida could do little more than await the outcome of the conflict which had developed between the President and Congress over Reconstruction. Their one opportunity to have a direct voice in national affairs came in the fall of that year when the Fourteenth Amendment, which had been proposed by Congress, was submitted to the Florida legislature for ratification.

On November 14, 1866, the General Assembly convened in Tallahassee. Two days later, on the afternoon of November 16, Governor David S. Walker sent both houses a message on the state of the government. As soon as Walker's communication was received, it was ordered that all business be suspended and that the message be read aloud.⁵⁵

Even before the clerk began to read, the legislators knew that the governor's principal theme would be the Fourteenth Amendment. Walker had written a message to convince; his proposition was one of policy, and might well have been phrased: "Resolved, that the proposed Fourteenth Amendment should be rejected."

Walker prefaced his address with a statement of Florida's political condition. The situation was of a "most gloomy character--far more gloomy than any of us anticipated it would be when I addressed you at the commencement of your last session."

At that time the President . . . representing, as we supposed, the Government of the United States, indicated a line of policy, the adoption of which we were assured would secure a

⁵⁵Florida Senate Journal, 14th General Assembly, 2nd Sess., p. 4; Florida House Journal, 14th General Assembly, 2nd Sess., p. 8.

full recognition of our civil rights and also our representation in Congress. We adopted the line of policy . . . to the fullest extent. . . . We left nothing undone that the Government, acting through the President, demanded of us.

What had been the result? The people of Florida had been denied "Constitutional representation" and did not fully enjoy their civil rights. "Though we pay all taxes and obey all laws and are ready to give our lives in defence of the Constitution," declared Walker, "we do not enjoy the protection of that sacred instrument."

"No part of the blame" for this violation of "the pledged faith of the nation [was] imputable to the President." He had done all he could to comply with "our reasonable expectations." A powerful group of politicians who feared "that the admission of the Southern members might transfer the balance of power from themselves to their opponents" had blocked reunion. They had barred ten states from Congress "without even indicating any terms on which they will be admitted."⁵⁶

It was true, Walker continued, that Congress had passed a joint resolution proposing the Fourteenth Amendment, but it had given no indication "that upon the adoption of this amendment our members will be admitted." Even if Congress had made such a promise, contended Walker, "I can scarcely think our people would purchase a right, already clearly their own under the Constitution, at so terrible a price."

⁵⁶When Congress convened in December of 1865, eleven ex-Confederate states were not represented in that body. In July of 1866, the number of unreconstructed states was reduced to ten when Tennessee was admitted following her "ratification" of the Fourteenth Amendment. Randall, The Civil War and Reconstruction, pp. 741-742.

Having thus approached the major theme of his message, Walker stated his proposition and proceeded to prove it. "I recommend," he declared, "that [the proposed Fourteenth Amendment] be rejected. . . ."

Six specific arguments were offered in support. (1) Walker did not believe that the amendment was legal, because it had not been proposed by a Congress representative of all of the states. (2) The federal Constitution provided that every joint resolution of the Congress excepting resolutions for adjournment "shall be presented to the President." The proposed amendment was a joint resolution requiring the concurrence of the two houses, but "was never submitted to the President." (3) The first and fifth sections of the proposed amendment, which defined citizenship and gave Congress authority to insure that no state would "abridge the privileges or immunities" of a citizen, would revolutionize the national government by rendering state governments impotent. (4) The second section of the amendment, which called for reduced representation for any state denying suffrage to citizens of the United States, would operate to the detriment of the South by changing the basis of representation from that of total population to that of voting population. (5) The fifth section, which called for the disqualification of ex-confederates who had held office before the war, actually provided for the dissolution of Florida's Johnson government. (6) Finally, the fourth section of the amendment dealing with the repudiation of the Confederate debt and the validity of the federal debt was needless and redundant. "All that it proposes to secure is secured already beyond question."

Of these six arguments, the fifth, pertaining to the political disability of a certain class of ex-Confederates--received the greatest emphasis. Walker thought this section of the proposed amendment especially objectionable. (1) He did not believe that any "power on earth [could] justly go behind the President's pardon. . . ." (2) The amendment would "punish men whose labors for years had been devoted to the preservation of the Union, and leave unpunished those whose lives had been devoted to its destruction." (3) The pardoning power which the amendment vested in Congress would be a corrupting influence. "A man who is elected to an office will be received or rejected, not because of his constitutional rights or merits, but from the favor or disfavor of the dominant party." (4) A final objection--and a most striking one--was that this fifth section of the proposed amendment provided for the dissolution of Florida's Johnson government; the Conservative officials were being asked to vote themselves out of office.

Employing irony, Walker rendered the proposed amendment odious through the use of rhetorical questions.

Look around you and see how few persons will be left in office after this amendment is adopted, and you will see that to vote for it is to vote for the destruction of your State government. After taking out all the proscribed officers, there will not be enough left to order elections to fill the vacancies, and a military government will become a necessity. And who are those whom we are asked thus to disgrace with official disfranchisement? Are they not those whose experience and abilities are most necessary to the State in this her hour of trouble? Are they not those whom we have always regarded as the very best men in our land? Are they not those whom we have loved and trusted above all other men in the State? Are they not those, in thousands of

instances, who witnessed the act of secession with bleeding hearts, and engaged in the rebellion only out of deference to the will of their State? Are they not those who sacrificed themselves to serve their State? And will their State now turn round and repay their devotion by putting a mark of infamy upon them? Perish forever so base a thought! If they are to be disfranchised, let it be by no act of ours.

Following his attack on the proposed amendment, the Governor called the legislators' attention to other problems that would face them during the session.⁵⁷

In his concluding observations, Walker praised the people of Florida for their patience and fortitude while citizens without a country. There had been much for them to endure--the interference of the Freedmen's Bureau Courts in which "the white man expects to receive nothing but oppression, and the black man nothing but partiality," the hardship of the burdensome cotton tax,⁵⁸ "the slanders published concerning us," and, of course, the denial of "our representation in Congress." Floridians had, indeed, learned to appreciate the proverb that "hope deferred maketh the heart sick." Yet they had remained "true and loyal to the Constitution and the Union."

The closing sentences of Walker's message expressed the pessimism

⁵⁷Walker recommended that the law prohibiting freedmen from carrying firearms be repealed and that the "marriage law for freedmen" be revised to allow the freedmen who had not been informed of the law adequate time to "perform the marriage ceremony." He also made recommendations concerning Florida's judicial system.

⁵⁸Congress had levied an internal revenue tax of three cents a pound on cotton. See Dunning, Reconstruction Political and Economic, 1865-1877, pp. 26-27; Walter L. Fleming, Documentary History of Reconstruction, Political, Military, Social, Religious, Educational, and Industrial, I (Cleveland, 1906), 34.

and resignation that stemmed from a realization that loyalty and forbearance were not to be the sole requisites of reunion.

We are passing through our political wilderness and being bitten by fiery serpents. If we cannot rest our anxious gaze upon the Constitution of our country and be healed, then must we conclude that God in His wisdom has delivered us over to utter destruction, and submit with resignation to His divine will, whatever it may be.⁵⁹

The message was well received. The Conservative Floridian considered it "a straight-forward, . . . well written paper. . . ." The governor had called for the rejection of the proposed amendment "with great cogency, yet with perfect fairness and good temper."⁶⁰ Another Conservative organ, the Sentinel, hailed the communication as an "unusually dignified and able document."⁶¹

When the clerk had finished reading the message before the Senate, one of its members moved that five hundred copies be made available for Senate use.⁶² A similar motion in the House called for the printing of one thousand copies--fifteen copies to be "placed on the desk of each member for distribution to his constituents."⁶³

⁵⁹For the complete text of Walker's message, see Florida Senate Journal, 14th General Assembly, 2nd Sess., pp. 5-20. Portions of the message were also published in the New York Times, November 22, 1866.

⁶⁰Tallahassee Semi-Weekly Floridian, November 16, 1866.

⁶¹Tallahassee Tri-Weekly Florida Sentinel, November 26, 1866.

⁶²Florida Senate Journal, 14th General Assembly, 2nd Sess., p. 20.

⁶³Florida House Journal, 14th General Assembly, 2nd Sess., p. 24.

The reaction that probably pleased Walker most came on December 1 and 3, when the House and Senate voted to a man to reject the proposed Fourteenth Amendment.⁶⁴

The Rhetoric

If events had developed as the proponents of presidential Reconstruction believed they would, the story of the rhetoric of reunion would have ended with the rhetoric of adjustment. Such, however, did not prove to be the case. An opposition movement, which started with the objections of a handful of Radical leaders in Congress and developed into a full fledged counter-movement in 1866, caused the proponents of presidential Reconstruction in Florida to work for the attainment of an unanticipated end; the vindication of presidential Reconstruction.

What speakers said in Florida early in 1866 was largely determined by events both past and present. Having accepted the presidential plan of reunion, and having organized a new state government under this plan, Floridians naturally defended it when it came under attack. After the inception of the Radical movement, however, this movement governed the invention of the southerners' rhetoric so that the progress of the Radicals in Washington can easily be charted in terms of the major themes of the rhetoric of vindication in Florida.

When the Radicals first launched their attack on presidential Reconstruction, and especially during the period when the Reconstruction

⁶⁴Tallahassee Semi-Weekly Floridian, December 4, 1866.

Committee was gathering evidence on conditions in the South, the Johnson men evolved a rhetoric based on a defensive strategy. Those who met in Pensacola to refute the testimony of a federal customs official who had charged that Floridians were "deceitful" and disloyal, did so because they believed they could influence the opinions of the Reconstruction Committee. John W. Recks' testimony, they declared, had been false. Florida had accepted the results of the war in good faith. Making no attempt to deny the charge of rebel rule or Negro disfranchisement, the people of Pensacola emphasized that their respect for law and order ruled out the allegation that military force was needed for the protection of life and property.

Governor David S. Walker likewise took steps to vindicate presidential Reconstruction. In his proclamation of April 27 and in his Quincy speech, he called on the people to prove through the beauty of their lives that the President was right and his enemies wrong. By appealing to the people to support Florida's claims of loyalty and good faith, the governor hoped to ward off any act of violence or any indiscreet utterance that might provide grist for the Radical propaganda mill.

Ignoring professions of loyalty and conditions that belied their position, the Radicals in Congress pressed their attacks on the Johnson governments and continued to check reunion in order to discredit the President's plan of reunion and substitute their own. As these facts became known, the invention of the rhetoric of vindication ran dry, and Floridians resorted to rationalization, derision, and protest.

Called upon to report on conditions in the North, Senator-elect Wilkinson Call played the role of morale speaker. To encourage an anxious people in the midst of political uncertainty, he turned his back on reality and combined deception with speculation to assure them that all would be well. The people, no doubt, were heartened by his assurances that the Radicals in Washington had backed down from their original position and that public opinion in the North favored southern representation without restriction. In addition, the speaker believed that the South could count on the sympathy, magnanimity, and leadership of Andrew Johnson and Ulysses S. Grant. It was not the purpose of the federal government or the "true people of the North" to make the people of the South do anything "craven or mean."

When Congress passed the Fourteenth Amendment, Floridians not only recognized the futility of professing their loyalty and good faith; they were no longer deluded by illusions of moderation on the part of the Radicals.

Ignoring Governor Walker's appeal for peace and quiet, two speakers broke silence to voice their contempt for the Radicals. E. W. Perry digressed from his oration on the immortality of Masonry to discredit the methods of Radical politicians. One could not respect a political party that was "making the most persistent and furious efforts to keep alive and intensify all the hatreds, rancors, and spites engendered by the greatest and most terrible civil war on record."

In the course of instructing a newly appointed grand jury, Thomas T. Long also departed from his subject to charge Congress with usurpation

and sectionalism. That body had seized the reins of government, had denied the South its rights of representation and petition, and was engaged in the process of carrying out "an unbridled war upon the Constitution." Dominated by a sectional party, Congress had disgraced itself by mixing political differences with personal hatred.

Governor Walker did not deviate from his policy of prudence and moderation, but when he called for the rejection of the proposed Fourteenth Amendment, there was a significant change in the tone of his rhetoric. Demoralized by the Radical victories in the North, he praised the President for being faithful to the South and the Constitution, and censured the Radicals for placing party politics above the cause of re-union. Even as he wrote his message he realized that little suasion would be needed to convince his colleagues that they must not approve a measure which called for the destruction of Florida's Johnson government and the Constitution of 1787. The force of his reasoning, however, was not complemented by the usual undertones of confidence or optimism. He knew he would carry his point with southern legislators, but was depressed by the realization that his arguments would carry little weight in the North. Moved by these reflections, the Governor concluded his advice on national affairs by asking Floridians to accept whatever the future might hold with a spirit of Christian resignation.

The change from a defensive strategy to a strategy of reaction did not constitute the total effect of the Radical movement on the Floridians' invention. As Radical strength increased and the southerner found himself pressed to the wall, he voiced what he believed to be the

vulnerable premise of his rhetoric. The vindication of presidential Reconstruction was more than a vindication of the President or the South. It was a vindication of the Constitution of 1787. Inasmuch as the President had tried to restore the Union on the basis of that Constitution, the Radicals who opposed him would ultimately be checked by the sober second thought and patriotism of the nation.

Style, like invention, was influenced by events both past and present. The influence of the past was patent. Conquered rebels who had been treated as Americans in 1865, spoke as outraged Americans in 1866. The impact of the Radical movement, on the other hand, caused speakers to choose their words with some regard to how their rhetoric would be evaluated by northerners as well as southerners.

The rhetoric of vindication in Florida was at once a success and a failure. Barring a few minor outbursts, the people responded to the appeals of their leaders by exercising prudence and moderation in word and action, and defended their government by rejecting the proposed Fourteenth Amendment. The rhetoric of vindication was a failure in the sense that Floridians were not able to exert a direct or material influence on events in Washington.

After Congress adjourned, the President and his opponents took the issue of reunion to the people of the North and West in the campaign of 1866. As we visit some of the scenes of that campaign in Chapter VII, we shall see that two Floridians went North to vindicate the cause of presidential Reconstruction in Florida.

CHAPTER VII

THE SPEAKING OF FLORIDA'S SENATORS-ELECT IN THE CAMPAIGN OF 1866: A RHETORIC OF VINDICATION

The Scene

When the Thirty-ninth Congress adjourned on July 28, the first and indecisive phase of the struggle between the President and Congress over Reconstruction ended, and the second and more intensive phase of that conflict--the congressional campaign of 1866--began. Since the President and Congress had not been able to agree on a program of reunion, both now resolved to win support for their policies by taking them to the voters.

As the campaign opened the Tallahassee Floridian summarized the situation in a single sentence. "The political questions of the country," it editorialized, "have resolved themselves into a support of the President, or of the Radical party in Congress."¹ A few weeks later it offered a more dramatic analysis. "If President Johnson's friends triumph in the approaching Northern elections," it predicted, "the South will be heard through her representatives in Congress. . . . On the other hand, should there be no reflux of the tide which . . . carried into power the present Congress, we shall see . . . the Southern State governments all overthrown, and martial law re-established until new State governments can be established on the basis of universal suffrage

¹Tallahassee Semi-Weekly Floridian, July 23, 1866.

to the black race and very limited suffrage to the white."²

If the people of Florida, or for that matter southerners generally, were troubled over this second alternative, their frustration was heightened by the realization that for the first time in American history a national question was to be decided by voters in a limited number of states. Though the Union consisted of thirty-six states, voters in twenty-five states in the North and West in electing members to Congress held the power to determine the political destiny of the ten states which were unrepresented.³

These ten southern states, however, did not follow a completely passive role in the campaign. Southerners utilized every opportunity to win northern and western voters over to presidential Reconstruction. When the President's supporters in Washington issued a call for the National Union convention to meet in Philadelphia on August 14, the Gainesville New Era answered for Florida, hailing the meeting as the only national forum from which "the voice of the South [could] be heard."⁴ "From that Convention," proclaimed the Democratic organ, "the just cause of our people will be sounded in the ear of every thinking man, and of

²Ibid., August 30, 1866.

³Tennessee was not involved--that is, she did not have to elect senators and representatives or wonder whether they would be admitted to Congress. Her senators and representatives had already been elected as part of the reorganization process under presidential Reconstruction and had been seated following the state's ratification of the Fourteenth Amendment.

⁴For a copy of the formal call for the convention, see Tallahassee Tri-Weekly Florida Sentinel, July 12, 1866.

every magnanimous enemy throughout the nation."⁵

Acting in accordance with this sentiment, David S. Walker, governor of Florida and leader of the Johnson sympathizers in the state, issued a proclamation on July 23, appointing delegates to the Philadelphia meeting.⁶ Among those named were Florida's two senators-elect, William Marvin and Wilkinson Call; her representative-elect, Ferdinand McLeod; and two ex-colonels who had served on opposite sides during the war, George W. Scott who had been in the Confederate army and Joseph C. McKibbin, who had represented California in the Thirty-fifth Congress and had served in the Union army.⁷

At Philadelphia, Florida's delegates, who represented southern Democrats and Whigs, joined Conservative Republicans, northern and border-state Whigs, and both varieties of northern Democrats--those who had supported the war and those who were known as "Cooperheads" or "Peace Democrats"--in defending presidential Reconstruction.⁸ The

⁵ Gainesville Weekly New Era, August 17, 1866.

⁶ For Walker's proclamation, see Jacksonville Weekly Florida Times, July 26, 1866; Pensacola Fri-Weekly Observer, August 4, 1866.

⁷ Tallahassee Semi-Weekly Floridian, July 23, 1866. For biographical data on McKibbin, see Biographical Directory of the American Congress, 1774-1949, p. 1541.

It seems that all who were named in Walker's proclamation did not attend, and that some like Confederate Governor Abraham K. Allison and former Confederate Congressman John P. Sanderson went without an official invitation. See William Marvin to Editors of the Floridian, Philadelphia, August 16, 1866, in Tallahassee Semi-Weekly Floridian, August 27, 1866.

⁸ The Florida delegation received a fair share of appointments to the convention offices and committees. Thomas Randall was appointed a vice president and Benjamin D. Wright, secretary. The committee

speaking of these men, along with their "Declaration of Principles,"⁹ and their "Address to the People of the United States," constituted the Johnson party's platform of vindication.

In order to clarify their position, the President's apologies prefaced their arguments with a narrative of the events of the previous eight months. The President, they recounted, had reorganized the southern states so they could resume normal relations with the federal government. Congress, however, had refused to recognize these Johnson governments until it could investigate them. Then, after reviewing the constitutions and laws of these states, and after investigating the temper of the southern people, Congress had alleged that the personal and civil rights of the freedmen were not being respected and that the Johnson governments were basically disloyal. While continuing to withhold representation, Congress had passed a constitutional amendment defining citizenship, guaranteeing the privileges and immunities of all citizens, disqualifying ex-Confederates from public office, and guaranteeing the national debt. Until the members from Tennessee had been

appointments were: George W. Scott and W. C. Maloney, Committee on Finance; William Marvin and Wilkinson Call, Committee on Resolutions and Address; and John P. Sanderson and Joseph C. McKibben, Committee to Wait on the President. The Proceedings of the National Union Convention Held at Philadelphia, August 14, 1866 (Washington, 1866), p. 2, 6, 15. A copy of the proceedings was procured for the writer's use by the Library of Congress from the Princeton University Library.

⁹The convention's "Declaration of Principles" was, for the most part, a formal endorsement of the presidential terms of Reconstruction. The National Unionists pledged themselves to support the Constitution and the Union, declared the illegality of secession, acknowledged that slavery was dead and that the freedmen should receive equal protection in their rights of person and property, repudiated the Confederate debt, and recognized the national debt.

admitted to Congress a few short weeks before, a Union of thirty-six states had been ruled by twenty-five. Now thirty-six states were under the rule of twenty-six.

In the light of these events it appeared to the President's supporters that the American people were confronted with a revolutionary proposition: "Resolved, that Congress should withhold representation from the South until such time as it shall have complied with whatever conditions Congress may deem necessary or expedient." As disputants on the negative side of this question, the Johnson men maintained: (1) the arguments supplied to support the Radical Republican policy were not true; (2) the Radical Republican plan of Reconstruction was unconstitutional and impractical.

The Radicals had claimed that reunion should be delayed for two reasons. (1) The new citizens of the South, the freedmen, were not secure in their personal and civil rights, and needed protection against the discriminatory constitutions and "black codes" of the Johnson governments. (2) Since the southern people were still disloyal, "neither the honor, the credit, nor the interests of the nation would be safe if they re-admitted to share in its councils." These conditions, they claimed, necessitated changes in the Constitution--changes that would guarantee the personal and civil liberties of all loyal citizens and impose political disability on ex-Confederates.

The President's supporters replied to the first argument by pointing out that the South had formally recognized the freedom of the ex-slave, and that it had pledged itself to give him the same protection

as the whites "in every right of person and property." To the second charge--that the southern people were disloyal--the Johnson men replied: Not so. Although there had been some "local disturbances" in the South, these were not typical of the area and were not indicative of a hostile attitude on the part of the southern people. "History," declared the President's defenders, "affords no instance where a people so powerful in numbers . . . and in public spirit, after a war so long in its duration, . . . have accepted defeat . . . with so much of good faith as . . . the people lately in insurrection against the United States."

Having thus answered the "arguments or excuses" offered by the Radicals as reasons for delaying reunion, the Johnson men challenged the Radical Republican plan of Reconstruction by contending that what Congress had done was unconstitutional and what it proposed to do was impractical.

The first or accomplished plank of this Radical plan, the exclusion of the southern states, they claimed was nothing short of usurpation, for the Constitution did not provide for the denial of representation.¹⁰ Instead, that instrument, which had not been changed by the war or the victory, guaranteed "the right of representation" to every state "without restriction, qualification, or condition of any kind." "What is there," asked the friends of the President, "to distinguish

¹⁰The Johnson men also contended that Congress could not claim such power as part of its right to pass on the qualifications of its members; that it could not draw such authority from the forfeited rights theory; and that it could not lay claim to any power under the laws of war. For detailed arguments on these points, see *ibid.*, pp. 1-2, 10-15.

the power thus asserted . . . from the most absolute and intolerant tyranny?"

Furthermore, this faction contended, the second proposed part of the Radical plan, the ratification of the Fourteenth Amendment as a condition of representation, was impractical because the terms contained therein would never be accepted by the people of the South. One of the proposed demands virtually called for the surrender of a state's right to determine the suffrage qualifications of its own citizens. Since the southern states would prefer to remain outside of the Union rather than accede to the surrender of rights guaranteed by the Constitution, this aspect of the Radical plan would only produce an indefinite postponement of reunion.

For these reasons--that there was no need to adopt the Radical Republican plan, and that this plan was both unconstitutional and impractical--the Johnson men concluded that the people of the United States should reject the Radical Republican proposition by electing members to Congress who would "complete the work of restoration and peace which the President . . . [had] so well begun."¹¹

After the Johnson convention had adjourned, William Marvin went to his room at the St. Lawrence Hotel and wrote the editors of the Tallahassee Floridian. "The most intelligent statesmen, North and South," he reported, "consider the constitutional rights and liberty of the

¹¹ See the speeches of John A. Dix and James Rood Doolittle, "Declaration of Principles," and "Address to the People of the United States." Ibid., pp. 1-15.

of the people to be in great danger, and everything should be done that can be done to preserve them." In his opinion, the South should support the appeals of its friends in the North by formally ratifying the proceedings of the National Union convention.¹²

The Democratic press in Florida endorsed Marvin's suggestion and gave full support to a state-wide ratification movement. The Tallahassee Sentinel, in calling for the ratification of the action of the Philadelphia meeting, declared:

Remember that every Southern interest worth preserving, and every Southern right worth enjoying depends upon the movement inaugurated in Philadelphia. Remember that if the Radicals should succeed in the approaching elections, and at the Presidential election of 1868, the South will, at no distant day, be rendered an unfit place of abode for any but dogs of the lowest degree.¹³

In response to Marvin's Philadelphia letter and the appeals of the Democratic press, public meetings ratifying the proceedings of the National Union Convention were held throughout the state.¹⁴

As this ratification movement gained momentum, a minority group of "unconditional Unionists" or southern Loyalists--"simon pure" unionists

¹²William Marvin to Editors of Floridian, Philadelphia, August 16, 1866, in Tallahassee Semi-Weekly Floridian, August 27, 1866.

¹³Tallahassee Tri-Weekly Florida Sentinel, September 8, 1866.

¹⁴For the proceedings of ratification meetings held in Fernandina on August 29, in Apalachicola on September 4, and in Jasper and Tallahassee on September 8, 1866, see Saint Augustine Weekly Examiner, September 15, 1866; Tallahassee Semi-Weekly Floridian, September 14, 1866; Tallahassee Tri-Weekly Florida Sentinel, September 8, 13, 1866. The Sentinel of August 30 carried a notice of a ratification meeting for September 8, in Quincy, but did not provide an account of the event in subsequent issues.

who had remained loyal to the Union throughout the war--met in Tallahassee on August 22, to name delegates to a pro-Congress convention scheduled to meet in Philadelphia on September 3.¹⁵ The men chosen to represent Florida at this convention left for Philadelphia with editorial salvoes ringing in their ears.¹⁶

When it first became known that Florida's Loyalists planned to send delegates to the Southern Loyalist convention, the Sentinel assailed them as "miserable fools, 'boot-lickers' of THAD. STEVENS & CO." These "traitors," continued the Democratic organ, were suitable instruments for the "Jacobins at Washington"; they were willing to "fall down and worship the 'powers that be,' in hopes of getting a few . . . crumbs of office. . . ."¹⁷ The Floridian thought "the impudence of these so-called 'Union men of Florida' [was] sublimely ridiculous." At best, they

¹⁵Ossian B. Hart's call for a state convention of Florida's Loyalists was published in the Jacksonville Times. See Tallahassee Tri-Weekly Florida Sentinel, August 7, 1866. The convention did not come off as planned. A handful of Loyalists met in Tallahassee, wrote up an address to the people of the state, and named delegates for the Philadelphia convention. Tallahassee Semi-Weekly Floridian, September 4, 7, 1866.

The Democratic press in Florida claimed that the convention had not materialized because only four men showed up at Tallahassee. The Radical press outside of the state, however, played up the incident as a manifestation of rebel rule. For the Conservative side of the story, see ibid., August 23, October 5, 1866; New York World, September 4, 1866. For the Radical version, see New York Tribune, September 3, 1866, in Tallahassee Semi-Weekly Floridian, October 5, 1866; Syracuse Daily Journal, September 12, 1866.

¹⁶For a list of Florida's Loyalist delegates, see Tallahassee Semi-Weekly Floridian, September 4, 1866. Some, after learning of their appointment, issued public disclaimers. See ibid., September 18, 21, 28, 1866.

¹⁷Tallahassee Tri-Weekly Florida Sentinel, August 7, 1866.

were but a handful of outcasts with "scarcely a man among them with brains enough to make a fifth-rate cross-roads lawyer."¹⁸

Though they were but a handful, Florida's Loyalists¹⁹ added their voices to those of Loyalist delegates from ten other southern states, Republic delegates from the border states, and Republican leaders from the North and West at the Union-Republican meeting in Philadelphia.²⁰

At this meeting, the case for immediate reunion that had been made by the presidential convention a few weeks earlier was ignored. The Radicals did not attempt to reply to the Johnson party's contention that delayed reunion was unconstitutional and impractical. What they did say was practically a restatement of what they had already offered as reasons for delaying reunion: (1) The freedmen throughout the South needed the protection that constitutional guarantees and federal power could afford. (2) The state governments that had been organized under the direction of the President were disloyal.

¹⁸Tallahassee Semi-Weekly Floridian, September 4, 1866.

¹⁹Ossian B. Hart, a native of Florida, agent of the Freedmen's Bureau, and later Republican governor of Florida, was one of the Philadelphia convention's vice-presidents and a member of the Committee on Resolutions. John W. Price of Jacksonville was appointed secretary. Philip Fraser, a federal judge who had moved to Jacksonville from Pennsylvania, served as a member of the Committee on Address. Calvin L. Robinson, a real estate man from Jacksonville, introduced a motion from the convention floor to the effect that "impartial suffrage" was the only "security for Union men in Florida." See the proceedings of the convention, New York World, September 5, 8, 1866; New York Times, September 4, 5, 6, 7, 8, 1866.

²⁰Two units, the "simon-pure Unionists" from the South and the border-state men, made up the official convention. Union-Republican leaders met separately and served as an advisory body for their southern cohorts. Dunning, Reconstruction Political and Economic, 1865-1877, pp. 76-77.

One novel aspect of these Radical arguments, however, was that instead of being repeated by Radical Republican congressional leaders, they were being repeated by Union men from the South. In their address and resolutions, the Loyalists warned that recognition of the Johnson governments in the South would enable disloyal southerners "to punish us for our devotion to our country, and to entrench themselves in the official fortifications of the Government." In reorganizing the governments of the South, President Johnson had vested "four millions of traitors with the power to impoverish and degrade eight millions of loyal men." Although he had preached "that none but the loyal should govern the reconstructed South, he had practiced . . . the maxim that none but traitors shall rule. . . ." That such a system "should have culminated in the frightful riot of Memphis, and the . . . massacres of New Orleans, was as natural as that a bloody war should flow from the teachings of John C. Calhoun and Jefferson Davis."²¹ The South was not loyal. "A reign of terror through all these ten States [made] loyalty stand silent in the presence of treason, or whisper in bated breath."

Union men, declared the Loyalists, were not the only ones being mistreated in the South. Those who had only recently been freed had been

²¹The Memphis riot of May, 1866, began with a skirmish between local police and negro troops and ended with forty-six Negroes dead and eighty or more wounded. The New Orleans riot, which took place on July 30, stemmed from an attempt by local Radicals to sanction Negro suffrage and resulted in forty-one deaths and approximately 160 injured. Both riots were cited by the Radicals as dramatic proof that the South was disloyal and that freedmen needed all the protection that federal power could give. *Ibid.*, pp. 79-81; Coulter, The South During Reconstruction, 1865-1877, pp. 40-41.

placed under a new form of slavery. After "professing" the abolition of this institution, the Johnson governments had taken steps to continue "its detestable power by legislative acts against pretended vagrants."²²

Because the freedmen required protection and because the Johnson governments were controlled by disloyal southerners, the people should support Congress' policy of delayed reunion. "Our last and only hope," the southern Loyalists proclaimed, "is in the unity and fortitude of the loyal people of America in the support and vindication of the Thirty-ninth Congress. . . ." Before adjourning, the Loyalists recognized the Fourteenth Amendment as "the best present remedy" and called on their political friends in the North and West to make it the "watchword" of the campaign."²³

This convention and its political counterpart, the National Union convention, established a pattern of argument for what promised to be the

²²Those who supported congressional Reconstruction contended that the vagrancy law--one of several statutes contained in the "black codes" enacted by the Johnson legislatures--was a means of remanding freedmen to slavery. This, however, was a gross misinterpretation and produced much misunderstanding throughout the North. The law in question was designed to stimulate industry and maintain order in a changing society. It provided "that any person without means of support should be required to give bond to the state. . . . Failure to give bond involved a penalty of a term of labor for the county or for any one who might hire the offender from the county." Davis, The Civil War and Reconstruction in Florida, p. 419. See also pp. 421-425.

²³For the address and resolutions of the Southern Loyalist convention, see Cincinnati Daily Gazette, September 7, 1866. The convention delegates received an invitation from the Union League of New York to visit the state and to attend a rally in New York City following adjournment. See proceedings of the second day, New York Times, September 5, 1866.

most intensive congressional campaign in American history.²⁴ Appeals to the traditions of 1787, and counter appeals for the safety of the nation and the protection of its new citizens were heard throughout the states of the North and West from the latter part of August until the eve of the election.

The President himself, in his travels to and from Chicago, where he was scheduled to lay the corner stone for a monument to Stephen A. Douglas, campaigned in Pennsylvania, New York, Ohio, Illinois, Missouri, Indiana, and Kentucky.²⁵ Before he had completed his "swing around the circle," his opponents in Philadelphia had worked out arrangements for a band of southern Loyalists to make a political pilgrimage to Lincoln's tomb in Illinois, going by way of New Jersey, New York, Connecticut, Massachusetts, Indiana, and Ohio.²⁶ Both parties, it seemed, were aware that of the twenty-five states where rhetoric could bear fruit, Illinois, Ohio, Pennsylvania, and New York were the political plums of the campaign.²⁷

²⁴"No more serious debate, no more serious problem," wrote Dunning, "had engaged the attention of the American democracy since the memorable days of 1787 and 1788. . . ." Reconstruction Political and Economic, 1865-1877, p. 78.

²⁵Ibid., p. 81; Randall, The Civil War and Reconstruction, p. 746.

²⁶Cincinnati Daily Gazette, September 7, 1866.

²⁷These states, controlling a total of eighty-eight seats in the House of Representatives, were understandably critical areas. In Illinois, fourteen seats were at stake; in Ohio, nineteen; in Pennsylvania, twenty-four; and in New York, thirty-one. Each of the twenty-five states, of course, had to fill one seat in the Senate, thereby making the total number available seats in Congress in these critical states alone as high as ninety-two. For a summary of the number of representatives apportioned to the states in 1866, see Biographical Directory of the American Congress 1774-1949, p. 49.

Of these four states, New York--with thirty-one seats available in the House and one in the Senate--was the biggest single prize, and constituted a logical place for Florida's senators-elect to embark on their vindication of Presidential Reconstruction.²⁸

In their attempt to achieve recognition for Florida's Johnson government and at the same time validate their credentials as senators-elect, William Marvin and Wilkinson Call campaigned in various parts of New York state.²⁹ Marvin, a native of New York, spoke in Rochester, Syracuse, Brooklyn, Peekskill, Saugerties, and Poughkeepsie.³⁰ His colleague, Call, campaigned in New York City.³¹ So far as the writer knows, five of these speeches are extant, and in this chapter, we shall

²⁸One Radical paper in the state made this clear when it warned its followers: "Johnson and his supporters . . . see that they may have one chance . . . to save themselves . . . and that is by carrying New York." Poughkeepsie Weekly Eagle, October 27, 1866.

²⁹Another reason that helps account for Marvin's and Call's participation in the campaign is that while they were at the Philadelphia convention in August, James R. Doolittle, President of the National Union convention, had appointed them members of the National Union Executive Committee for Florida. Gainesville Weekly New Era, August 31, 1866.

³⁰Rochester Daily Union and Advertiser, September 14, 1866; Syracuse Daily Courier and Union, October 17, 1866; New York World, October 19, 1866.

³¹Call gave two speeches at a campaign rally on September 17, in New York City. For his "center stand" speech, see "National Union Celebration at Union Square, September 17, 1866." Pamphlet No. 13, in a bound volume containing a number of campaign documents. The volume is catalogued under the title of one of the pamphlets contained therein: John T. Hoffman, "The Cause of Ireland and Adopted Citizens" (New York, 1867). History Room, New York Public Library. Cited hereafter as "National Union Party Pamphlet No. 13." See also New York World, September 19, 1866. For Call's "northwest stand" speech, see ibid., September 18, 1866.

analyze four of them.³²

On September 13, Marvin told the people of Rochester that the denial of a state's right to representation was unconstitutional and that there was no need for delayed reunion. In addition he predicted that if Congress insisted that the Johnson governments ratify the terms proposed in the Fourteenth Amendment, reunion would not be accomplished. Four days later, Call utilized a National Union ratification meeting in New York City to denounce the southern Loyalists and refute their charges against the South. Remaining in the contest to the finish, Marvin visited Syracuse on October 11, and Brooklyn on October 19. At Syracuse he concentrated on the "need" issues, denying that southerners were disloyal or that freedmen were in need of protection, and speaking at length on the futility of conditional reunion. At Brooklyn, he used essentially the same pattern of argument employed at Syracuse and Rochester but altered his pattern of emphasis to single out the Radicals as enemies of the Constitution and poke fun at their proposed scheme of conditional reunion.

The Discourse

Speech of William Marvin at Rochester

On the evening of September 13, 1866, the "solid thinking people" of Rochester went to their city hall to hear two speakers who were to

³² The extant speeches include those of Marvin at Rochester, Syracuse, and Brooklyn, and Call's two New York City speeches. Since Call spoke twice on the same day and his speeches were very much alike, only one of them, the "center stand" speech, is described in this chapter.

open the fall campaign at seven-thirty o'clock.³³ Those who arrived early were treated to lively music and by the appointed hour the audience had become an enthusiastic and unified group. The appointed time, however, found no speaker on the platform. More than half an hour passed before word finally spread that the two speakers had arrived. When Louis E. Parsons, former provisional governor and now senator-elect from Alabama,³⁴ and William Marvin of Florida entered the hall, they were received with "loud cheers."

John M. French called the people to order and moved that M. S. Newton preside over the meeting. Since the hour was late, Newton proceeded directly to the business of introducing the speakers. The careers of Parsons and Marvin, said Newton, were almost identical. Both were northern men by birth and education; both had opposed secession and had remained loyal to the cause of the Union. Both had been provisional

³³Rochester was located in a section of the state that was regarded as a "stronghold of radicalism." When it became known that Marvin planned to canvass in western New York, the Floridian editorialized: "We rejoice to know that Senator Marvin has determined to beard the lion in his den. His strong sense, unquestioned loyalty to the Government, and his high character, will not fail . . . to make an impression upon the benighted and besotted minds in the 'dark corner' of the Empire State." Tallahassee Semi-Weekly Floridian, September 4, 1866.

³⁴A native of New York, a lawyer by profession, and an ardent Unionist, Parsons was appointed provisional governor of Alabama on June 21, 1865. Following the reorganization of the state, he retired from this position on December 20, 1865, and was elected to the United States Senate without opposition, but was denied his seat. In 1866 he, as had Marvin, served as a delegate to the National Union convention. Within his own state, Parsons was the acknowledged leader of an anti-ratification movement that brought about the rejection of the Fourteenth Amendment. Hallie Farmer, "Louis Eliphalet Parsons," Dictionary of American Biography, XIV (1934), 263-269.

governors of their states, and having merited the confidence of the people, had been elected to the United States Senate. And finally, the two, with their "loyalty unstained and [their] patriotism undoubted," had been denied their seats in Congress. "As loyal men of the South," said Newton, "they are entitled to a hearing."³⁵

Parsons spoke first. In his opening remarks he strove to capture audience interest by showing that the questions of the campaign were not the concern of a single state. They were questions that would affect the whole Union. Then he made a striking appeal for reunion by asking: "How shall we steady the good old ship of state . . . ?" Supplying the answer himself, he replied: "We shall never do it by falling out with each other."

As he talked on, Parsons made it clear that there was no justification for keeping North and South apart, that the people of Alabama were not disloyal, and that they had sincerely acknowledged the freedom of approximately 440,000 slaves. A touching appeal, designed to convince the audience of the South's good faith, was reserved for the close of the speech. "I wish you could go there and see for yourselves," said Parsons. "I do not say that we feel happy at the way we were whipped. It is your consolation that your sons did fight for the old flag. What consolation have they whose sons have gone down to gory graves fighting against the stars and stripes?" Then he concluded: "Our common sufferings ought to bind us together."³⁶

³⁵For a report of Newton's speech of introduction, see Rochester Daily Union and Advertiser, September 14, 1866.

³⁶For the text of Parsons' speech, see ibid.

When Parsons had finished speaking and the applause had subsided, William Marvin took his turn at the stand. As was his custom, he identified himself with his audience at the outset of his speech, combining a personal appeal with an attack on the accomplished part of the Radical policy--the denial of representation.

Utilizing the enthusiasm which Parsons had aroused in the audience, Marvin began:

Born on the top of the hill in Fairfield in the old county of Herkimer--brought up in Tompkins--bred to the bar in Ontario county--having emigrated to Florida thirty years ago, I appear here to-night, my countrymen, to inquire of the people as the depository of all political power, if I am a citizen, entitled to all the rights and privileges of citizenship in the United States? If you agree that I am, then I ask shall I be governed by laws in which I have no voice in the making? Shall I be taxed without representation? I am in just this predicament. . . . My condition is the same as that of all Union men in the ten States of the South not admitted to fellowship in the Union. Is this state of things to continue? Are those ten States to be governed by the other twenty-six in perpetuity? If not, when do you propose to apply the remedy?

Replying to these questions, the audience shouted, "This fall," and punctuated their verdict with applause and cheers for the speaker.

Having elicited audience agreement on the illegality of denying representation, Marvin devoted the remainder of his address to (1) refuting the Radical Republican contention that delayed reunion was necessary and (2) establishing the impracticality of conditional reunion.

The issue of delay came first. What of the Radical charge that southerners were not loyal--that they could not be trusted to share in the control of national affairs? What of the freedmen? Were they safe? Were they secure in their rights?

Taking up the loyalty question, Marvin declared: "It is said that the people of the South are disloyal and have taken the oath in bad faith."³⁷ His answer was striking because of its conciseness and sarcasm: "If those who say this mean by loyal only those who agree with them in all matters about which men have a right to think--if they mean that orthodoxy is my doxy and heterodoxy is your doxy--then perhaps those people are not loyal. If they mean by loyalty, to stand to and abide by the Constitution of the United States, then I affirm no more loyal people live to-day than those of Florida."

Florida was also used as the basis for a generalization concerning the freedmen. "In Florida," explained the speaker, "all is quiet and orderly and nothing has occurred as stated in some of the Northern papers." Contrary to the contention of the Radicals, the freedmen in Florida were not being mistreated. The people of Florida had formally recognized the freedom of the slave by changing their constitution and laws. They had done more than this. They had passed laws allowing the freedmen to testify in court. They had made it possible for them to trade and to own property. In fact, they had made it possible for them "to do everything but vote and sit upon juries." The people were not the enemies of their former slaves. They had demonstrated that they sincerely wished "to come back and live in peace and amity with the rest of the country."

³⁷The oath to which Marvin referred was the amnesty oath prescribed by President Johnson as one of the qualifications that had to be met by those who wished to participate in the reorganization of the southern state governments.

What Congress had done was unconstitutional. Moreover, the reasons used to justify delaying reunion were invalid. A powerful party, continued Marvin introducing his final point, arose in the North and proclaimed that the Union should not be restored, but that they would make "a new Bargain." They proposed "to dictate terms by amending and altering the Constitution." If this was their plan, contended the speaker, it would only result in postponing reunion. If the terms were those contained in the proposed Fourteenth Amendment, the South would never accept them as the price of representation.

One reason why the ten unrepresented states would not ratify this amendment was that they had no assurance that ratification would bring representation. The Radicals had proposed the amendment, but they had not been explicit. They had not said, "Do this and you shall be admitted." They had demanded acceptance of certain conditions without indicating whether more might not be imposed.

Two additional reasons why the South would not ratify the amendment stemmed from two of its five provisions. One stipulated "that every person born in the United States shall be a citizen," that all were to enjoy the privileges and immunities of citizens, and that these privileges were not to be abridged. Such a proviso was too vague--vague enough to include even Negro suffrage. If the Radicals include the vote among the Negroes' privileges, predicted Marvin, "I do not believe the people of New York will adopt such an amendment." To do so would give Congress authority to interfere "in matters that solely concern the States." The speaker, furthermore, did not believe that the Radicals had a legitimate

reason to stir up political unrest in the South. It was hatred for southern whites that had brought Negro suffrage to the fore. The North had not given the Negro the vote. Voting was a restricted privilege in many states. The southern Negroes, moreover, did not demand suffrage. "If they are let alone they will be contented," predicted Marvin. "To invest them with full political rights now would cause a perfect Pandemonium. . . ."

Another provision of the proposed amendment that made ratification improbable was the clause calling for the political disqualification of southern leaders. This provision would mean that all persons who had ever held office and had subsequently participated in the rebellion, would not be eligible to hold a federal or state office. It would mean that the governments of the southern states would pass "into the hands of persons wholly incompetent to administer them." A southern leader like Alexander H. Stephens could not be made as much as a constable in his own village.³⁸ "The South cannot accept this as a condition of admission," Marvin declared. "If they did, they would not be worthy of being represented."

Marvin concluded his address in a simple and forthright manner by calling on the audience to stand by the political system of 1787, supporting the constitutional rights of the southern people. "Let bygones

³⁸ Stephens had been vice president of the Confederacy. In 1865, he had been a member of a three-man commission that met with Lincoln and Seward to work out an armistice agreement, and at the time of Marvin's speech was senator-elect from Georgia. Ulrich B. Phillips, "Alexander Hamilton Stephens," Dictionary of American Biography, XVII (1935), 569-575.

be bygones," he said, "and let us enter upon a new career of prosperity and glory."

When he had finished speaking, the audience responded with a solid round of applause. On the following day, both speakers received a similar response from the Democratic press. The meeting of the previous evening, reported the Union and Advertiser, had given the people of Rochester an opportunity "to hear from the South through true Union men of that section. . . ." That speech content had been complemented by effective delivery was shown by the remark that both speeches "were made with an earnestness, candor, dignity and eloquence that compelled every listener to accept what was said as the truth."³⁹

Speech of Wilkinson Call in New York City

While Marvin campaigned in western New York, his political colleagues were at work in other parts of the state vindicating Presidential Reconstruction.

This mammoth meeting, which had been called by party strategists to endorse the nominees of the Democratic state convention,⁴⁰ to ratify

³⁹For the text of Marvin's Rochester speech and the comments of the Democratic press, see Rochester Daily Union and Advertiser, September 14, 1866. The Rochester speech also received praise in Florida. The Floridian thought it was "in the Governor's best style--calm, logical and convincing." Tallahassee Semi-Weekly Floridian, October 5, 1866. The Sentinel hailed it as a credit "to the head and heart of the speaker." Tallahassee Tri-Weekly Florida Sentinel, September 29, 1866.

⁴⁰New York's Republicans met in Syracuse on September 5, 1866, and endorsed the Fourteenth Amendment, defended Congress on the ground that the South had forfeited its constitutional rights and privileges through rebellion against the Union, and named Reuben E. Fenton and Stewart L. Woodford as their nominees for governor and lieutenant-governor. Syracuse

the proceedings of the National Union convention, and--mixing history with politics--to celebrate the seventy-ninth anniversary of the signing of the federal Constitution, took up the whole of Union Square. In fact, the meeting was so large that the people who attended had their choice of listening to speakers at any one of seven separate speaking sites.⁴¹

Those who were fortunate enough to get close to the center stand heard Douglas Taylor, chairman of the Committee on Arrangements, call the meeting to order and introduce John A. Dix, prominent military leader and statesman, as presiding officer.⁴² When Dix had finished speaking, he called on Samuel J. Tilden, who had been chairman of New York's delegation at the Philadelphia convention and who was to become the Democratic

Daily Journal, September 6, 1866.

Six days later, the Democrats held their state convention in Albany. John T. Hoffman of New York City and Robert H. Pruyn of Albany, the party's candidates for governor and lieutenant-governor, accepted their nominations by pledging their support for the Philadelphia platform. For the proceedings of the convention and the acceptance speeches of Hoffman and Pruyn, see Syracuse Daily Courier and Union, September 12, 15, 17, 1866.

⁴¹In all, there were seven speaking sites--the center, west main, northeast, University Place, German, east main, and the northwest stand--and no less than fifty-eight speakers. Some of them spoke at more than one stand. Call, for example, moved on to the northwest stand after speaking from the center stand. "National Union Party Pamphlet No. 13." For a description of the occasion, see New York World, September 18, 1866.

⁴²As a veteran of two wars, the War of 1812 and the Civil War, a political veteran of a term in the United States Senate and a cabinet post as secretary of the treasury, and a prominent citizen of New York, Dix had whatever distinction was necessary to hold the position of presiding officer. Allan Nevins, "John Adams Dix," Dictionary of American Biography, V (1930), 325-327.

nominee for president in 1876,⁴³ to give an account of the Philadelphia convention. Tilden complied, and then as chairman of the "center stand," introduced the next five speakers. Two of these, John T. Hoffman and Robert H. Pruyn,⁴⁴ were the Democratic nominees for governor and lieutenant-governor, and two others, Louis E. Parsons of Alabama and Wilkinson Call of Florida, appeared as spokesmen for the South.⁴⁵

All of the speakers, from Dix through Parsons, placed emphasis on the sanctity of the Constitution and eulogized President Johnson as the

⁴³Tilden, a New York City corporation lawyer, political reformer, and later governor of New York (in 1874), was in 1866 a staunch supporter of President Johnson's liberal reconstruction policy. Alexander C. Flick, "Samuel Jones Tilden," ibid., XVIII (1936), 537-541.

⁴⁴Hoffman, a lifelong Democrat, was mayor of New York City at the time of his nomination for governor. A native of New York, he had passed the bar in 1849, and prior to his election as mayor in 1865, had served as city recorder for two successive terms. Although he was not elected governor in 1866, he served in that capacity for two successive terms from 1869 to 1873. Charles Morris (ed.), Makers of New York, an Historical Work Giving Portraits and Sketches of the Most Eminent Citizens of New York (Philadelphia, 1895), p. 311.

Hoffman's running mate, Robert H. Pruyn, a former Conservative Republican who had been driven into the Democratic camp by the Radicals in his party, had a strong political record on both state and national levels. He had served in the New York legislature, had been speaker of the House, and had served as minister to Japan during Lincoln's administration. Syracuse Daily Courier and Union, September 17, 1866.

⁴⁵The fifth speaker was John G. Saxe, attorney, politician, editor, poet, and lecturer. A graduate of Middlebury College, Saxe passed the bar in 1843 and edited the Sentinel in Burlington, Vermont, from 1850 to 1856. After he sold the paper, Saxe moved to Albany, New York, where he lived off his newspaper earnings and his income as a writer and lecturer. Although he had run for governor in Vermont and had owned and edited his own newspaper, Saxe was best known for his verse. According to his biographer, he was "one of the most widely read and frequently quoted of American poets." George H. Genzmer, "John Godfrey Saxe," Dictionary of American Biography, XVI (1935), 399-400.

defender of constitutional government.⁴⁶ Wilkinson Call, however, concentrated on two related yet different topics--the character of those who claimed to be southern Loyalists and the charges made against the South.

One of the questions dividing the people of the North, explained Call, was whether the South should be restored to the Union under the leadership of ex-Confederates or under those who called themselves "southern Loyalists." Since this question stemmed from the statements of so-called southern Loyalists, the speaker thought the audience should be informed of the true identity of these men.

There were, indeed, a few men, "a very few," in the South who had never tainted themselves with secession or rebellion. The number of such men was small because, with few exceptions, those who had been ardent Union men opposing secession to the last had identified themselves with the Confederacy when the war began. Hence, those who were now going about denouncing their fellow southerners were not true Union men, but "pretended 'Southern Loyalists.'" These "ministers of vengeance," declared Call, were not "the best apostles of reconciliation." Instead they were men unworthy of public confidence.

Southern loyalists now--but in the time antecedent to the war, extremists in opinion--earnest promoters of strife--teachers of secession--detractors of Northern people--now pretended friends of the colored man, then and always hitherto pro-slavery men of the most violent character; opposing every effort for his amelioration, and denouncing with extreme bitterness all who favored it, now claiming as their great merit that

⁴⁶For the center stand speeches, see "National Union Party Pamphlet No. 13."

they have always been loyal to the Union--but then volunteers in the first troops that were raised, now favoring punishment and confiscation and exile of all who were for the South--then favoring the same . . . for those who were for the Union.

No reasonable end, contended Call, could be served "by confining the representation of the South to a class of men who claim openly but falsely that they are so obnoxious to their whole people that their lives are not safe amongst them." The day would come, he predicted, when the people of the North, as well as the entire world, would look with scorn and loathing upon "the Southern men who, in the hour of [their] people's sorrow [had] gone about seeking their further humiliation . . . under a pretence . . . they [knew] to be false."

In his short but telling address, the speaker also took issue with some of the reasons that had been advanced to delay reunion.

One contention was that the freedmen and the Loyalists were not safe in the South. Much had been said of the danger that "Loyalists" faced in the southern states. "I can assure you," declared Call, "that in my own State, and in the other States in which I have been since the war, the statement is wholly untrue."

The status of the freedmen in the South had also been grossly misrepresented. Using Florida as an example, Call testified:

We have given the sanction of the State to the freedom of the slave--and have ourselves surrounded him in his new status with all the protection and all the assistance which laws can give when aided by the consenting voice of the people. We have neither the purpose nor the desire to retard the colored man in any advancement he may accomplish, but, on the contrary, recognize the fact that our interests lay in aiding him in his progress; neither have we any desire to withhold

from him rights of any description which he may prove himself capable of exercising. We are his friends, and if prejudice and passion could be stilled for a moment, the people of the North would see that, dependent as we are to a great extent upon his labor, with his freedom secured, it would be impossible for us to be otherwise than friendly to him.

Moving into the related subject of Negro suffrage, Call concluded his testimony with a straightforward declaration. "It is true," he said, "that we do not think it is either for his interest or our own that he should be withdrawn from industry to the excitement of politics; to this there is the strongest feeling of opposition, perhaps an insurmountable one."

Another Radical excuse for delaying reunion was that the interests of the Union would not be safe in southern hands--that "southern Loyalists" alone could be trusted. This, the speaker asserted, was untrue and would be denied by anyone conversant with "the temper and condition of the Southern people." As he told of the spirit of the southerner, Call's style reflected the intensity of his desire to communicate. He declared:

We . . . have a pride, and a just one, in the manly and heroic characteristics of the struggle. We have a respect for the great men who led us in the struggle, and who shared our dangers and privations. And we have a most tender reverence and love for the dead--the brothers and sons--the dear ones of our homes--our comrades, who, wrapped in their bloody robes, [sleep] the soldiers' sleep of death--these are the only trophies of that four years' bloody work that we have kept.

"Surely," he concluded, "a generous people would not wish to rob us of them."

Not only were southerners loyal, but they did not seek, as some northerners claimed, to gain control of the Union. They only sought to

renew their citizenship as Americans. "We have no country but America," said Call, "no Government but that of the United States; and while we ask nothing, solicit nothing, we are anxious to rebuild our shattered fortunes--if permitted--beneath its protection, in quiet and peace."

After his attack on the southern Loyalists and his refutation of the charges made against the South, Call was ready to conclude. He did so by contrasting the anxiety of the moment with what he hoped would be the tranquility of the future. It seemed that the more southerners had sought to conciliate, the more they had been misunderstood. "Let us hope," declared Call, "that the day of . . . complete harmony is at last approaching, and that with mutual forbearance we shall come to recognize and respect . . . the honorable characteristics and the rights of each other."⁴⁷

The Democratic campaign document in which the Call speech was published contains the notation that the audience received the speech with cheers. The probability is that it was overshadowed by the addresses of more prominent speakers, but that its sincerity and earnestness stimulated those who were interested in promoting the presidential policy of early reunion.⁴⁸

⁴⁷For the text of Call's speech see ibid; New York World, September 19, 1866.

⁴⁸The Democratic Floridian thought Call had said the right thing at the right time. "The address," it editorialized, "was in most admirable temper throughout--bold and manly--nothing cringing--just the speech for the occasion." Tallahassee Semi-Weekly Floridian, October 2, 1866.

Speech of William Marvin in Syracuse

The day after Call's New York City speech, the people of New York heard the other side of the story from the very men whom Call had dubbed "pretended southern Loyalists," as on that day, September 18, delegations from the Southern Loyalist convention campaigned in such places as Syracuse, Hudson, Poughkeepsie, Watertown, Oswego, Auburn, Canandaigua, and Buffalo.⁴⁹

Speaking as the allies of the Radical Republicans, the southern Loyalists dwelled on the reasons why they thought reunion should be delayed--the same reasons that Call had attempted to refute. Thus, on September 18, the people of Syracuse heard William B. Stokes, a southern Loyalist and a Republican member of Congress from Tennessee,⁵⁰ denounce southerners for their disloyalty and their scheme to re-enslave the freedmen.

⁴⁹Included among those who visited New York on this political mission were" George Tucker and J. W. Hunnicutt of Virginia; William C. (Parson) Brownlow, William B. Stokes, W. A. Patterson, W. J. Smith, and Horace Maynard of Tennessee; A. J. Hamilton and Jesse Stancil of Texas; H. C. Warmoth, P. B. Randolph, and J. P. Newman of Louisiana; Albert Griffin of Alabama; P.A. Finnerty of Arkansas; Hope Bain of North Carolina; and J. J. Stewart of Maryland. Syracuse Daily Journal, September 18, 1866.

⁵⁰Stokes' record was that of a bonafide southern Loyalist. Though he was a native of North Carolina, Stokes got his political start in Tennessee. During the 1850's, he began his political career with service in both branches of the legislature. On the eve of the war, he was elected as a Whig to the Thirty-sixth Congress, and acted with the Republicans. In 1861, he returned to Tennessee to speak against secession. During the period following the state's secession in 1861, and his entrance into the Union army in 1862, Stokes kept silent and at one point had to hide in the mountains to avoid imprisonment by the Confederates. In the course of the state's reorganization, Stokes was elected as a Republican to the Thirty-ninth Congress and was allowed to take his seat in the House on July 24, 1866, following Tennessee's ratification of the Fourteenth

One of the questions before the people, declared Stokes, was whether loyal men should rule in the South or whether they should be "displaced and over-ruled by disloyal sympathizers and Rebels." Moreover, important to Union men everywhere was the fact that if southerners got hold of the federal government, they would repudiate the national debt and make the American people pay the Confederate debt.

Another question concerned the future of the freedmen. The Johnson men at Philadelphia had denied that there was any party in the South that desired the revival of slavery. Admitting that there might not be such a party, Stokes countered: "If they in the South knew that Johnson could carry his policy by carrying the North, . . . they would throw back the negroes into the most degrading bondage, or else get pay for them." The people should not be "misled"; this was "the understanding" in the South.

In the course of his address, Stokes strengthened his case against reunion by skillfully combining these appeals to justice and fear with a "bloody shirt" appeal. After telling of his own persecution at the hands of "rebels," he declaimed: "To permit these men who tried for four years to take the life of the nation, to drench the land in blood, . . . to forgive them, let them hold office and participate in the Government . . . Is it not monstrous?"⁵¹

Amendment. Stokes gave a detailed description of his own background in his Syracuse speech. See *ibid.*, September 20, 1866. See also Biographical Directory of the American Congress, 1774-1949, p. 1870.

⁵¹William B. Stokes, P. B. Randolph of Louisiana, and P. A. Finerty of Arkansas were the speakers assigned to Syracuse on September 18. For the text of the Stokes speech, see Syracuse Daily Journal, September 20, 1866.

When William Marvin visited Syracuse on October 11, in company with John T. Hoffman and Robert H. Pruyn, the Democratic state nominees, he used a pattern of argument that suggested he was in close touch with what Radical speakers had been saying.⁵² He did not begin, as he had at Rochester, by discussing the legality of denying representation to a state. Instead, he spent the first half of his speech giving a detailed account of what the people of Florida and the other southern states had done in reorganizing their state governments. In this way he countered the Radical need contentions--the disloyalty of ex-Confederates and their plot against the freedmen--by presenting what he believed to be consummate evidence of the South's loyalty and good faith.

After refuting the Radical claim that there was a need to delay reunion, Marvin spent the rest of his time attacking the Radical Republican plan of conditional reunion. Seizing upon the impracticability of such a scheme, Marvin contended: (1) It would be futile to require the Johnson governments to ratify the proposed Fourteenth Amendment as a condition of reunion. (2) It would be even more futile to try to secure

⁵²Located in north central New York, Syracuse was a critical area in the campaign. It was selected by the Republicans as their convention site in September, and later that month was visited by the southern Loyalists. On October 11, the Johnson men held their demonstration in Syracuse's Shakespeare Hall. The next evening, on October 12, the Radicals staged a counter demonstration in Wieting Hall. *Ibid.*, October 12, 1866.

The audience that gathered to hear the Johnson men on October 11 was said to have been the largest seen "at any political gathering . . . for many years." Long before the program got underway, Shakespeare Hall was filled to capacity. By the time the speakers appeared at seven-thirty p.m., thousands of people, who could not gain admission to the hall, had collected in the street outside. Syracuse Daily Courier and Union, October 12, 1866.

ratification of the amendment through an agency other than the Johnson governments.

His first argument was largely a restatement of what he had already said in his Rochester speech--that it would be useless to base reunion on the ratification of the terms of the Fourteenth Amendment because the Johnson governments would not accept them. They would not accept them because: (1) Congress had not stipulated that a state would be admitted to representation when it ratified the terms and, hence, ratification could pave the way for still further demands. (2) One of the proposed terms virtually called for the surrender of a state's right to determine the suffrage qualifications of its own citizens. (3) Southerners were not prepared to disqualify their best men and surrender the leadership of their state governments to men they considered incompetent. On these grounds, the people could see that if ratification of the Fourteenth Amendment was to be the price of reunion, the Johnson governments would remain unrepresented.

It would be even more futile for the Radicals to base reunion on the creation of new state governments that would ratify the terms of the amendment because they could not create such governments. Some Radical Republicans had claimed, said Marvin, that if the Johnson governments refused to ratify the Fourteenth Amendment, Congress could create loyal governments that would do so. Congress could do this, they had claimed, by passing a law that would overthrow the Johnson governments, disfranchise the "rebels" and enfranchise the freedmen, and establish a procedure for the organization of state governments based on the votes of Loyalists and freedmen.

But, countered Marvin, such a scheme was completely unrealistic because: (1) In following such a course, Congress would have to violate the Constitution by manipulating the qualifications of voters to suit its own designs--that is, disfranchise "rebels" and enfranchise freedmen. (2) There were not enough southern Loyalists to take over the leadership of these governments.

To support the first of these reasons why Congress could not create new state governments in the South, Marvin explained that one of the rights reserved to the states by the federal Constitution was that of determining the qualifications of its own voters. Should Congress pass such a law, he warned, "we need not talk any more about amending the Constitution, for when this law is passed and enforced there will be an end of the Constitution."

A more basic reason why the creation of new state governments would not be possible was that there would not be enough southern Loyalists to fill the offices of the proposed governments. "How many Southern loyalists as you term them--men who have never given [aid] or support to the Confederate Government--do you suppose there are in the States of South Carolina, Georgia, Florida, Mississippi, and the other states?" asked Marvin. Almost all of the southern people had given their wholehearted support to the Confederacy. "The few who did not are not sufficient in numbers and do not possess [the] abilities necessary to carry on State governments, and at the same time fill Federal offices."

Would the creation of new state governments for the purpose of securing ratification of the Fourteenth Amendment bring reunion? Marvin

thought not. To clarify this point he spelled out what he believed would happen.

Base the State Governments upon the votes of the few Southern loyalists and the negroes, and disfranchise the rest of the whites, and how large a military force do you think would be necessary to preserve order and quiet among the people and give the necessary protection to those governments? It is a large country. Would a military force of two hundred thousand men, to act as support of the civil authorities be sufficient? . . . In short, the experiment would result in the reestablishment of martial law.

Marvin closed his argument against the formation of new state governments by using a rhetorical question designed to reduce the scheme to an absurdity. He asked the people of New York if they would be willing to tax themselves in order to maintain a standing army in the South for an indefinite period of time "in the vain hope of getting the Constitution amended, which you have already overthrown; or in the still vainer hope of getting impartial suffrage before the proper time comes?"

Should Congress demand ratification of the Fourteenth Amendment as a condition of representation, said the speaker, concluding his discussion of the futility of conditional reunion, it appeared that reunion would be hopelessly delayed. The Johnson governments would not ratify the terms, and no agency other than these governments could be created to do so.

"But what, you are ready to ask me," said Marvin as he began his peroration, "should be done in the present condition of the country?" His answer provided for the eventualities of the immediate future, as well as for those of the years to come.

As a long term policy, Marvin counseled moderation on the part of

the people, the press, and of leaders both North and South. If necessary, the Johnson governments could wait for representation. They could wait until the people of the North had recuperated from their "war-feeling." There was also the possibility that the Supreme Court would "interpose its authority to protect the rights and liberties of the people, and to save the Constitution." The most immediate remedy, of course, was in the hands of the people of the North in the coming elections, and the speaker hoped that they would use their power to elect men who would vote for immediate reunion.⁵³

The people of Syracuse also heard from John T. Hoffman and Robert H. Pruyn. Both of these men, who were the Democratic state nominees, identified themselves with Marvin by calling for reconciliation and the recognition of the Johnson governments.⁵⁴

Reactions to these speeches were, of course, influenced by politics. The Republican press seemed impressed with the size of the "Copperhead" demonstration. While it dismissed the speeches with the observation that they were "in the most approved Copperhead style," the Radical Journal admonished its readers to "bestir themselves" on behalf of their own candidates.⁵⁵ The Democratic Courier and Union thought the Shakespeare Hall meeting had struck a blow against "radicalism." All of

⁵³For the text of Marvin's Syracuse speech, see ibid., October 17, 1866.

⁵⁴A. N. Ludington of Syracuse, who may have been related to Marvin's son-in-law, W. I. Ludington, spoke after Pruyn. For the speeches of Hoffman, Pruyn, and Ludington, see ibid., October 13, 15, 22, 1866.

⁵⁵Syracuse Daily Journal, October 12, 1866.

the speakers had strengthened the cause of their party, and one of them, William Marvin, senator-elect from Florida, had given a "clear and forcible speech" in which he had described Congress' crime against the South and the Constitution.⁵⁶

Speech of William Marvin at Brooklyn

After campaigning in northwestern and northcentral New York during September and early October, William Marvin spent the last precious weeks of the contest in the southern part of the state, speaking in such places as Brooklyn, Peekskill, Saugerties, and Poughkeepsie.⁵⁷

On the evening of October 19, 1866, in Brooklyn, before a large meeting of the Tenth Ward Andrew Johnson Association, Marvin made one of his final appeals for early reunion. His arguments were essentially the same as they had been throughout the campaign: (1) What Congress had done was unconstitutional. (2) There was no need to delay reunion. (3) What Congress proposed to do was impractical.

One of the unusual aspects of the Brooklyn speech was that the first of these issues was approached in a new way. Marvin conveyed the idea that the South was illegally being denied representation, by denouncing the Radicals as perpetrators of disunion. The essence of this attack was that the Radical Republican party, in view of its origin and conduct, posed a threat to the Constitution and the Union. The Abolition party, which was the forerunner of the Radical Republican party, had

⁵⁶Syracuse Daily Courier and Union, October 12, 1866.

⁵⁷Marvin spoke in Peekskill on October 22, in Saugerties on October 23, and in Poughkeepsie on October 24. New York World, October 19, 1866.

opposed the Constitution because that document protected slavery. For this reason Abolitionist leaders had gone so far as to denounce the Constitution "as a covenant with death and a bond with hell."⁵⁸ In recent months, contended Marvin, their Radical Republican successors had found fault with the Constitution because it prevented them from carrying out "their peculiar views and notions." While the Abolitionists had been a minority party, the Radical Republicans were in the majority, and therefore posed a threat to the country. "They seem . . . determined," warned Marvin, "to perpetuate their power by keeping up a broken Union."

Mention of a "broken Union" led Marvin to take up the second issue and repeat the story of the loyalty and good faith that had been exhibited by southerners when they reorganized their state governments in keeping with the plan outlined by the President.

The third major issue--the practicality of the purported Radical scheme of basing reunion on the acceptance of the Fourteenth Amendment--was handled as it had been at Syracuse. Such a scheme, Marvin contended, would be impractical because the Johnson governments would not ratify the amendment and because no new agency could be created to do so. The

⁵⁸The expression "covenant with death and agreement with hell" originated with Wendell Phillips, famous anti-slavery orator, in his "Lesson of the Hour" speech, given in Brooklyn in 1859. Like other abolitionists, Phillips denounced the Constitution and the Union because of his belief that both sanctioned slavery. As early as 1842, Phillips had placed his "curse" on the Constitution. In 1859, following the arrest of John Brown at Harper's Ferry, in a speech given from the pulpit of Henry Ward Beecher's church, Phillips had denounced the Union as a "covenant with death and [an] agreement with hell." Willard H. Yeager, "Wendell Phillips," *A History and Criticism of American Public Address*, ed. William Norwood Briggance, I (New York, 1943), 339-342.

first objection, however, was sharpened through the skillful use of ridicule and the second was strengthened with the addition of a subordinate argument.

Marvin introduced the first objection by relating that some Republicans thought the Johnson governments should be required to ratify the Fourteenth Amendment as a condition of representation. In the opinion of the speaker, this proposal was not at all realistic, because Congress would ultimately find itself in a quandry over what it should do with ten unrepresented states.

To illustrate this point and reduce it to an absurdity, Marvin depicted the dilemma Congress would create for itself. On the one hand, it could not leave ten states unrepresented indefinitely because they refused to ratify the amendment. It would not be practical to postpone reunion for five years or for twenty years. A government with ten unrepresented states could not masquerade as a "Republican form of Government." On the other hand, Congress could not force reunion by compelling the Johnson governments to accept the amendment. "How will you make them do it?" asked Marvin.

You cannot fight them any more, for they won't fight you. (Laughter.) You cannot cram this amendment down the throat of each individual and say he must accept it. They must do it by the Legislature, and when they get together you cannot open the mouth of each man and make him say yes, when he intends to say no. (Laughter.)

Should the Radicals require the Johnson governments to ratify the Fourteenth Amendment, Marvin declared, they will have "an elephant on hand."

Taking up the second objection--that new state governments could not be created to ratify the amendment--Marvin repeated the supporting

arguments he had used at Syracuse. First, he contended that it was illegal to tamper with a state's right to determine the qualifications of its own voters. A new electorate could not be established without violating the federal Constitution. Second, he argued, new governments could not be created in the South because there would not be enough southern Loyalists to lead them. Adding a third supporting argument, Marvin contended that a new state government based on the votes of Loyalists and freedmen could not be created because, aside from the consideration that the Loyalists throughout the South could be counted on one's fingers, the freedmen would more than likely vote with their former masters.⁵⁹

After he had charged the Radicals with usurpation, established the fitness of the South for representation, and refuted the purported Radical plan of conditional reunion, Marvin closed his speech by expressing the hope that every Congressional District in Brooklyn would elect men who would vote for the admission of southerners to Congress.⁶⁰

⁵⁹It was probably this type of refutation--if not this very argument--that touched off the Radical press in Poughkeepsie. Commenting on Marvin's Poughkeepsie speech of October 24, and that of his colleague E. O. Perrin, a New Yorker who had been secretary of the National Union Convention, the Poughkeepsie Eagle reported: "Both speeches were an insult to an intelligent audience, as there was not a liberal sentiment uttered, a liberal principle advocated, or a liberal measure approved. Denunciations of the negro were made in a spirit mean and contemptible in the highest degree, which negroes would scorn." Marvin's speech was denounced as a typical example of southern oratory. It was "full of swagger and threats that the south would never submit, and that if southern demands were not acceded to there would be no peace, but another war." Poughkeepsie Daily Eagle, October 26, 1866.

⁶⁰For the text of Marvin's Brooklyn speech see New York World, October 20, 1866; Tallahassee Semi-Weekly Floridian, November 6, 1866.

Although the Democratic press in Brooklyn praised Marvin for his eloquence, the senator-elect probably had reached his peak as a spokesman for reconciliation in his address at Syracuse. On that occasion, in answer to his own question regarding how the crisis of 1866 might best be resolved, he had replied:

The ship of State, which has just rode out the hurricane of a four years war, is not safe without all of her crew. . . . I would not enquire how or why a part of the crew had been absent during those four years, whether they had deserted in a fit of anger or not. It is sufficient to know that the ship is not safe without her full crew on board. I would take them on board; and when the billows which the storm had raised shall have a little more subsided, I would consider what repairs or amendments it is desirable to make in the Constitution--freighted as it is with all that is dear or precious to man.⁶¹

The President, the Constitution of 1787, the Union, the South--none had a more loyal supporter than William Marvin. This declaration was truly his most eloquent appeal.

The Rhetoric

The specific end of the rhetoric of vindication in Florida was to convince Congress that the people of the state were loyal and had accepted the President's terms of reunion in good faith. Unimpressed by these professions, however, the Radicals continued to press their case for delayed reunion. At the same time, the President refused to compromise his position.

When the President and the Radicals took the issue to the people of the North and West in the congressional elections of 1866, the specific

⁶¹Syracuse Daily Courier and Union, October 17, 1866.

purpose of the Johnson men was to convince the voters that they should support the presidential program of Reconstruction. To aid in the accomplishment of this end, Florida's senators-elect William Marvin and Wilkinson Call set out to answer the Radical arguments in New York state.

The essence of the Radical position was that Congress should be empowered to withhold representation from the South until such time as that region should have complied with whatever conditions Congress might deem necessary or expedient. The Radical apologists in Congress and in the campaign of 1866 offered two major arguments to support this proposition. First, they contended, the Johnson governments were disloyal. As Charles Sumner told his colleagues in the Senate, the rebels had been enfranchised and the Union men had been virtually disfranchised. The southern Loyalists testified at their Philadelphia meeting that President Johnson had in effect vested "four millions of traitors with the power to impoverish and degrade eight millions of loyal men." William B. Stokes, a Tennessee Loyalist, supported the same contention when he warned that if disloyal southerners got a foothold in federal councils, they would repudiate the national debt and make the American people pay the Confederate war debt. To give disloyal southerners authority in national councils, contended the Radicals, would be to jeopardize the safety of the nation.

The second reason advanced to support delayed reunion derived much of its strength from the first, but was handled as a separate argument. To recognize the "whitewashed rebel governments" of the South would be to abandon the southern Loyalists and the freedmen to persecution and abuse at the hands of rebels. Under the Johnson governments,

Loyalists were forced to "stand silent in the presence of treason, or whisper in bated breath." It was contrary to any concept of honor or patriotism to allow these men to suffer at the hands of rebels.

The conscience of the nation was particularly troubled over the destiny of its new citizens in the South, the freedmen. A "pretended" convention of the people, charged Charles Sumner as he spoke against Marvin's admission to the Senate, had recognized the freedom of the slaves only "to decree their disfranchisement." Floridians had written a constitution which denied equality to approximately half of the state's citizens. Emancipation meant more than freedom, he declared; it meant citizenship. According to the testimony of Loyalists in Philadelphia and New York, moreover, the Johnson governments constituted a threat to the freedom of the ex-slave. While giving lip service to abolition, southerners plotted the perpetuation of slavery by passing "legislative acts against pretended vagrants." Make no mistake about it, declared William B. Stokes in Syracuse, the South plans to throw the Negroes back into "degrading bondage, or else get pay for them." In the interest of justice and republican government, contended the Radicals, federal protection was required to guarantee the rights and privileges of these new citizens.

Shortly before Congress adjourned, Radical leaders introduced a third issue. In securing passage of the proposed Fourteenth Amendment, they called for formal recognition of the validity of the national debt, the disqualification of a certain class of ex-Confederates, and citizenship for the Negro. They did not, however, prescribe ratification of

this amendment as a condition of reunion. Radical strategists postponed action on a bill to this effect so they could determine how the Johnson governments would receive the proposed amendment, and so they could evaluate the temper of public opinion in the North and West in the impending congressional elections.⁶²

In attacking the Radical position, William Marvin arranged his arguments so as to parallel what he believed to be the pattern of usurpation. (1) What Congress had done was unconstitutional. (2) The reasons offered to justify the denial of representation were not true. (3) What Congress proposed doing was impractical.

At Rochester and Brooklyn, Marvin dwelled on the accomplished phase of the Radical program. The federal Constitution guaranteed the right of every state to representation without restriction. In denying representation to the southern states, Congress had overstepped its authority and had violated the Constitution.

Both senators-elect contested the "arguments or excuses" supplied by the Radicals as reasons for delaying reunion. Call denied the validity of the arguments by discrediting the character of the southern Loyalists. Southerners were not disloyal. They had "no country but America, and no Government but that of the United States. . . ." They did not seek control of the government. They simply wanted to renew their citizenship as Americans. If the southern people retained any feeling for the Confederacy, it was confined to the memory of their sacred dead. Further,

⁶²See Dunning, Reconstruction Political and Economic, 1865-1877, pp. 65-69.

the Loyalists and freedmen did not require protection from their countrymen. Replying to the charge that Loyalists were not safe in Florida, he declared: "The statement is wholly untrue." Although it was true that freedmen had not been given the vote, the people of Florida had no desire to withhold rights "which he [the Negro] may prove himself capable of exercising."

Having established his own ethos, Call tried to discredit the character of his Loyalist opponents. These "pretended 'Southern Loyalists,'" he charged, were not interested in reconciliation. They came to the North as "ministers of vengeance."

Wherever he spoke, Marvin offered Florida's record of acquiescence and adjustment as testimony of the southerner's loyalty and good faith. As he related his experience as provisional governor, he consistently and emphatically denied the Radical accusations. "I affirm no more loyal people live to-day than those of Florida"--this was his answer to the Radical allegation of disloyalty. His reply to the second argument was no less emphatic. "I deny," he declared, "that Union men are unsafe at the South--or that negroes are not protected." The people of Florida had recognized the freedom of the slave. They had recorded this change in their constitution and in their laws. They had made provision for the freedmen to testify in court, to trade, and to own property. The freedmen in Florida could do everything but vote and sit on juries.

While Call limited himself to replying to the Radicals' arguments and to challenging the integrity of his Loyalist opponents, Marvin charged that the Radicals planned to make ratification of the proposed

Fourteenth Amendment a condition of reunion.

The gist of Marvin's argumentation on this point was that if Congress planned to make ratification of the amendment a condition of reunion, their proposal would fail because of its impracticality. The proposal was impractical for two reasons. (1) The Johnson governments would not ratify the amendment, and Congress could not force them to do so. (2) Congress could not create "loyal governments" to effect such ratification. The Johnson governments would not ratify the amendment because: (1) they had not been assured that ratification would bring reunion; (2) they did not believe that the Negro possessed adequate qualifications for suffrage, and were not willing to compromise a state's right to determine the suffrage qualifications of its own citizens; (3) they would not consent to the disqualification of their own leaders, nor would they turn their governments over to men whom they considered "wholly incompetent." To support the contention that Congress could not create new state governments to ratify the amendment, Marvin presented three arguments. (1) Congress did not have the authority to tamper with state rights, hence it could not authorize a new voting body in the South to create a new state government. (2) There were not enough Loyalists in the South to administer these governments even if they were created. (3) A new state government could not be created from the votes of Loyalists and freedmen because most of the freedmen would vote with their old masters.

In Brooklyn it appeared that Marvin had placed the Radicals on the horns of a dilemma. If Congress insisted on its plan of conditional

reunion, it would find that it could neither keep the South out of the Union indefinitely nor could it force the South back into the Union by demanding ratification of the Fourteenth Amendment. The Radical usurpers would find themselves with "an elephant on hand."

In their attempt to vindicate presidential Reconstruction, Florida's senators-elect not only matched argument for argument, they pitted Conservatism against Radicalism. The "bloody shirt appeal" was matched with appeals for peace and reconciliation. The Radical concern for the safety of the nation and the equality of men was compared with the preservation of the Constitution and the Union. "I would not enquire how or why a part of the crew had been absent during those four years, whether they had deserted in a fit of anger or not. It is sufficient to know that the ship is not safe without her full crew on board."

Other elements of the rhetoric of the senators-elect also deserve note. What factors influenced their invention? What was the calibre of their argumentation? How did they prove their contentions? What of their arrangement and style?

What the senators-elect said in the campaign was in large part influenced by what the Radicals contended and by the premises of the individual orators.

The Radicals had an advantage inasmuch as they initiated the arguments. Once they had "invented" reasons for delaying reunion, the senators-elect were obliged to do one of three things: (1) deny the arguments; (2) by remaining silent, risk the assumption that the arguments were true; (3) contend that regardless of the reasons, Congress had no

authority to deny representation to a state. Had they settled upon the third--or dialectical--argument, they might have forced their opponents to admit that the Radical policy was one of revolution. As we have seen, however, Call did not deal with the constitutionality of the Radical plan. He chose instead to concentrate his attack on the "need" or "reasons" issue.

Marvin on the other hand used a "shotgun approach," organizing his refutation around the entire pattern of usurpation--what the Radicals had done, the reasons they had found for doing it, and what they proposed doing. The result of this strategy was that while both speakers "answered" the Radical contentions, they did not succeed in forcing the opposition to admit that their plan was based on revolution.

The selection of the issues used by Call and Marvin was in part determined by beliefs which they held as individuals. Call assumed that if northerners could be convinced that the reasons advanced for delaying reunion were not true, they would support the President. Marvin argued from the broader premise that the Constitution of 1787 was inviolable, and was regarded as such by the people generally.

Granting that Americans were unwilling to underwrite political revolution in 1866, Marvin's refutation of the Radical plan was more effective. Both he and Call, however, did a relatively poor job of answering the arguments advanced by the Radicals. While they denied the charges of disloyalty, they did not adequately refute Radical allegations concerning treatment of Loyalists and freedmen. Thus they candidly admitted that they believed the Negro was not qualified as a voter. Moreover, they

acknowledged that ex-Confederates controlled Florida's Johnson government. What was most damaging was that neither speaker made any attempt to explain why the people had passed a vagrancy law, and why that law applied equally to members of both races.

Both speakers supported their arguments with personal proofs, and logical and pathetic appeals. Call relied heavily on personal and pathetic appeals. Marvin used all three modes, combining personal and pathetic appeals with logical suasion. When charging the Radicals with usurpation, Marvin reasoned deductively, establishing the South's right to representation and then applying the principle to Congress' refusal to admit southern representatives. He reasoned from the specific to the general, when he reviewed the steps that Floridians had taken to reorganize their government, and concluded from this that the people had proved their loyalty.

In addition to these general proofs, Call supported his statements with personal testimony. Marvin drew support material from his experience as provisional governor of Florida. When attacking the Republican party as enemies of the Constitution or when describing their violations of the Constitution or state rights, he drew many of his examples and quotations from his personal knowledge of history and constitutional law.

Marvin did not arrange his arguments effectively, their order being influenced by the chronology of events rather than by rhetorical considerations. By following the pattern of usurpation--this is what the Radicals have done; these are the reasons offered to justify delaying reunion; this is what they plan to do--Marvin weakened his arguments by

dispersing related points. His attack on the Radical program would have been more effective had he combined his "plan arguments." Had he done this, his sequence would have been: (1) the reasons which the Radicals offer to delay reunion are not true; (2) the Radical plan is unconstitutional and impractical.

The style of the senators-elect contributed to their persuasive appeal. When Call spoke to the Florida legislature, he used language that he knew Floridians wanted to hear. The southerner, he said, had nothing to be ashamed of, and the North could never force Negro suffrage on the South. He had gone to New York "hat in hand" to talk of the loyalty and good faith of the southern people. Without selling Confederate heroism short, Call left the impression that he spoke as a representative of the conquered in the presence of the conqueror. His style was suggestive of pride and sincerity. This latter quality, combined with an undertone of humility and occasional "flights of oratory," gained him a fair hearing and the good will of his audience.

Marvin's style set him apart from Call. His use of invective, irony, ridicule, dilemmas, and rhetorical questions, his short declaratory sentences, and his close-knit arguments identified him as a militant defender of presidential Reconstruction. He had not come to his native state as a conquered rebel "hat in hand." His arguments, his evidence, and his style marked him as a statesman who had been angered by the crimes which a power hungry Congress sought to perpetrate against the South, the Constitution, and the Union.

After listening to the arguments and appeals of both sides, the

people of the North and West rendered a decision which testified to the failure of the rhetoric of vindication and put an end to the President's attempt to reconstruct the South. A decisive victory at the polls gave the Radicals the power to delay reunion until such time as the South complied with whatever conditions Congress might deem necessary or expedient. By March 2, 1867, that body passed the first of a series of reconstruction acts which inaugurated a period in American history which one historian has appropriately entitled "the tragic era." The passage of this act not only signaled the beginning of a new era, it marked the termination of the rhetorical movement favoring presidential Reconstruction in Florida.

CHAPTER VIII

SPEAKING IN FLORIDA ON THE ISSUES OF PRESIDENTIAL RECONSTRUCTION: A RHETORIC OF REUNION OR AN ORATORY OF FAILURE?

Having traced the movement favoring presidential Reconstruction in Florida in Chapters II through VII, let us in this chapter attempt to: (1) characterize the structure of the movement, (2) evaluate its rhetoric, and (3) describe some of its characteristics, with an eye to appraising the movement study as an approach to rhetorical criticism.

The inception of the movement for reunion in Florida may be ascribed to two major factors: (1) The people of the state were dissatisfied with martial law and desired a change. (2) The President's plan of Reconstruction constituted a means for effecting the desired change--from martial law to civil rule and a position of equality within the Union.

Not long after the President announced his policy of Reconstruction, a group of Loyalists in Nassau County expressed their determination to lead the movement for reunion. Several weeks later, the people of Waldo passed resolutions affirming their loyalty to the federal government and indicating their desire to co-operate in the reorganization of the state. Shortly after William Marvin's arrival in Florida, newspaper editors representing both ex-Confederate and Unionist elements in the state urged their fellow editors and the people to join with them in making reunion a common end.

The development of the movement which followed, beginning in

August 1865 and lasting until March 1867, can be described in terms of three major phases. The first phase, encompassing what has here been called the rhetoric of acquiescence, encompassed the months of August, September, and October 1865. Most of the speaking of this period was done by the provisional governor. Marvin needed at least three months to pave the way for political reorganization. He had to persuade the white people to accept defeat and acquiesce in the President's plan of reunion, and he had to speak to members of both races on matters connected with economic and social adjustment.

So far as the participants were concerned, the second phase of the movement, which lasted from October 1865 to January 1866, was to be a period of consummation. Floridians who had been empowered to act as the agents of their own redemption now shared the speaker's platform with the provisional governor. In the process of carrying out the work of political adjustment during this period, William Marvin, convention delegates, legislators, and other Conservative leaders produced a rhetoric of adjustment.

The third and final phase of the movement was the longest in point of time--January-November 1866--and constituted a period of rhetorical crisis. When several Radical leaders in Congress organized a movement against presidential Reconstruction, speakers in Florida and other southern states, along with their allies in the North, responded with a defense of themselves and their actions--a rhetoric of vindication. Congress, however, was not influenced by their arguments. The fate of presidential Reconstruction was placed in the hands of the people

of the North and West in the congressional elections of 1866. The rejection of the arguments of the Johnson men by voters in these areas signaled the end of the movement on behalf of presidential Reconstruction. This came on March 2, 1867, when Congress set aside the Johnson governments and inaugurated its own policy of Reconstruction.

When the people of Florida accepted the President's terms of reunion in 1865, they did so in good faith, but the tragedy was that in this acceptance they provided Radical politicians with reasons to justify delaying reunion in 1866. Put another way, the rhetoric that brought acquiescence and adjustment in 1865 made it possible for Radical persuaders to discredit presidential Reconstruction in 1866. This, it may be said, was the tragic flaw in the rhetoric of reunion. Using this thesis as a basis for analysis, one can evaluate the weaknesses of the rhetoric of reunion under two headings: (1) the weaknesses which resulted from the "mistakes" of acquiescence and adjustment, and (2) the weaknesses which were responsible for the "mistakes" of acquiescence and adjustment.

How damaging were the "mistakes" of 1865 to the cause of reunion in 1866? When Radical strategists reviewed what had been said in Florida and other southern states in 1865, they found two major reasons for delaying reunion. The exclusion of Loyalists from the Johnson governments, the southerner's reluctance to repudiate the Confederate war debt, and the belligerent style of his speaking gave rise to the charge that he was disloyal. The central theme of the rhetoric of acquiescence and adjustment--white men shall rule--and the Black Codes, especially the law dealing with vagrancy, produced the charge that southerners were not

willing to accept the freedom of the ex-slave. The damage wrought by these two charges in the campaign of 1866 was irreparable. This becomes clear when one considers the dynamics of the argument, the lack of adequate communication between North and South, and the ethos of the campaigners.

The true position of the Johnson apologists is made evident when their "answers" or counter arguments are placed side by side with the arguments of their opponents. The interchange centered in three contentions. The Radicals charged: "Your governments are disloyal." The Johnson men countered: "Our governments are not disloyal." The Radicals contended: "You have refused to recognize the citizenship of the Negro." The Johnson men replied: "It is the constitutional prerogative of a state to determine the qualifications of its own citizens." "To protect the interests of the nation and to guarantee the rights of all of its citizens," the Radicals concluded, "we must delay reunion." To this, the Johnson apologists replied: "You cannot delay reunion. Your proposal is unconstitutional."

So far as the writer knows, the first issue was the only one on which the contestants actually clashed. Were the Johnson governments loyal or disloyal? Crucial to this argument was a question of evidence. The Johnson apologists supported their position with testimony of good faith: the people of the South, they said, had accepted defeat and their loyalty was genuine. The evidence supplied by the Radicals, however, was far more convincing: the South had not acted in good faith; the Johnson governments were in fact controlled by "rebels." True Union

men, the Radicals said, had been barred from office and had little or no voice in government. If there was any doubt concerning this matter, the people had only to listen to the testimony of southern Loyalists who had come North to speak of the true conditions in the South, or to read of "rebel" atrocities in Memphis and New Orleans. There was no doubt about it. Southerners, especially those who controlled the Johnson governments, were not to be trusted.

Neither side, however, clashed on the two remaining issues. The Johnson men evaded the civil rights question with diatribes on state's rights. The Radicals ignored the question of constitutionality.

While the Radical charges were exaggerated, they were partially grounded in fact. Poor communications between North and South and conflicting reports from "investigators" in the South clouded the issues, making it difficult for voters to distinguish between what was true and what was alleged to be true. Those who were interested in learning "the facts," moreover, found it easier to believe the testimony of Union-Republicans and southern Loyalists than of peace Democrats and southern Conservatives. The political character of those who had consistently supported the Union throughout the war was beyond question. The integrity of those who supported the President, on the other hand, was not above suspicion. In most cases, these were men who had either opposed the war or had supported the Confederacy.

Radical persuaders, then, possessed a political character (ethos) which matched the prejudices of their audiences. Moreover, they fashioned the core of their rhetoric--a blend of pathetic and logical

appeals--from feelings of hate engendered by the war and from the "mistakes" of acquiescence and adjustment. Those who tried to vindicate the President's plan of reunion, on the other hand, lacked the ethos and evidence needed to discredit reasons which they themselves had supplied for delaying reunion. Further, their eulogies on the sanctity of the Constitution and their earnest appeals for reconciliation carried little weight with a people who were convinced that there was a need for revolutionary measures.

A full realization of the ruin wrought by the "mistakes" of 1865, naturally, causes one to wonder why the Johnson men said what they did during that fateful year. How are we to account for the mistakes that mark the rhetoric of acquiescence and adjustment?

The first and principal cause of these "mistakes" was the presidential plan itself. Blinded by an ambition to produce a fait accompli, President Johnson shaped the terms of Reconstruction to fit a bygone era, and ignored the political exigencies of his day. The terms of reunion, he believed, should be consistent with the avowed purpose and results of the war. The sole purpose of the war had been that of preserving the Union. The abolition of slavery had evolved, however, as a war measure and therefore had to be recognized, along with the renunciation of secession and the repudiation of the Confederate debt. Moreover, the method of Reconstruction must correspond, insofar as possible, with constitutional procedures. Such a philosophy appeared sound, but it did not reflect Chief Justice Salmon P. Chase's recommendation that the freedmen be given the vote, the Thirty-eighth Congress's position on the disqualifica-

tion of ex-Confederates, or Charles Sumner's theory of "state suicide."

How specifically did the Johnson plan lead to the "mistakes" of acquiescence and adjustment? Two aspects of the plan had a fatal effect on the "invention" of the rhetoric of this period. First, a plan of Reconstruction premised on democratic processes, made it necessary for William Marvin to invent reasons that would motivate conquered "rebels" to accept the President's plan of reunion and carry out the provisions contained therein. The emphasis which he placed on the fact that white men could and would rule was a natural result--one, however, which gave the Radicals their civil rights argument.

Presidential amnesty, which placed rank and file revolutionists on an equal political footing with Loyalists as "agents of redemption," also had a damaging effect on Marvin's invention. The fact that revolutionists made up a majority of the Florida audience, largely determined what he could and could not say. He could ask the revolutionists and Loyalists to forget past differences, but he dared not ask revolutionists to support a policy of Loyalist supremacy. The result was that "rebels" controlled the convention and held most, if not all, of the key posts of the new administration--a fact which aided the Radical cause and motivated Florida's Loyalists to join forces with Radical persuaders in 1866.

Democratic processes, which provided an atmosphere of uninhibited expression, also had a fatal influence on the tone of the rhetoric of adjustment. As southern delegates and legislators made the necessary political adjustments, they eulogized their war dead, hedged on the

matter of repudiating the Confederate war debt, and responded to Marvin's rhetoric by emphasizing that they would not enfranchise the Negro. These themes allowed southerners to save face as they ratified the President's terms of reunion, but also enabled them to speak as ever-loyal Americans when they should have been speaking as conquered "rebels." Thus the pervasive tone of the rhetoric of adjustment suggested that southerners as well as northerners should have a hand in writing the terms of reunion. Floridians had more regard for their choice of words in 1866, but all their assurances of good faith could not eradicate the earlier impressions of belligerency--impressions which were easily interpreted as signs of disloyalty.

Although the presidential plan of Reconstruction was the primary cause of the "mistakes" of 1865, there were two other contributing causes which are worthy of notice. First, William Marvin and Florida's Conservative leaders assumed that the President's policy of Reconstruction represented a final settlement. This assumption stemmed from the influence of history and from the neutral atmosphere which prevailed during the period of acquiescence and adjustment.

The President had proposed a plan of Reconstruction based on constitutional procedures. No one, these men assumed, could repudiate such a policy. An attack on it would, in effect, be an attack on the Constitution. This, of course, was an "unvoiced" assumption in 1865, but it came to the surface as the major premise of the rhetoric of vindication in 1866. Few, if any, realized in 1865 that the political crisis in 1866 would cause Americans to discard the "cult of the Constitution."

The general atmosphere which prevailed during the period of acquiescence and adjustment contributed to this assumption of finality. No one seemed to question the President's right to reconstruct the South. No one challenged what everyone seemed to assume--that the presidential policy of Reconstruction was the policy of the federal government. Congress was not in session and was not to meet until December 1865. The President's plan had been laid before the Cabinet, and not a single member questioned his authority to reorganize state governments "without the aid of Congress." Further, the "public mind" in 1865 seemed to favor "quick restoration without the infliction of serious penalties upon the South."¹

Regardless of the reasons, the mistaken notion that President Johnson's policy of Reconstruction could not or would not be amended or revoked constituted a second major cause of the "mistakes" of 1865. Speakers, who were intent on placating the President, failed to consider how their rhetoric would be received by idealists, fanatics, and unscrupulous politicians.

Finally, in the course of formulating legislative remedies for local problems, the provisional governor and Floridians generally yielded to local economic and cultural pressures and ignored the broader requirements of political expediency. The vagrancy law may be taken as a case in point. This law, which was later regarded as the most objectionable feature of the "Black Code," resulted from an honest attempt to

¹Randall, The Civil War and Reconstruction, pp. 713, 694.

deal with a very real problem. During the period of acquiescence and adjustment, Marvin and others tried to dissuade Negroes from wandering to test their freedom. When it became apparent that no amount of speechmaking could resolve the problem, Marvin advised both the convention and the legislature to take steps that would discourage vagrancy and promote a stable labor system. A cotton state needed a dependable labor force. Florida had no state prison and there were no local work houses. Imprisonment was impractical because it would punish the state instead of the individual. Marvin, therefore, recommended, and Floridians agreed, that "temporary involuntary servitude" would be the most practical method of dealing with vagrancy and other labor problems.

The solution was practical insofar as the problem was concerned, but it created greater problems than it cured when Radical politicians interpreted the measure as "a new form of slavery." In short, speakers who were intent on resolving local problems failed to consider the prejudices of their conquerors. Their oversight constituted a third critical weakness which was partially responsible for the "mistakes" of 1865.

The American people passed judgment on the rhetoric of reunion in 1866, and their verdict marked the speaking of Floridians on the issues of presidential Reconstruction as an oratory of failure. A rhetorical analysis of the weaknesses which resulted from the "mistakes" of 1865, and the causes which were responsible for these "mistakes," provides a basis for understanding why the Floridians' speaking

became an oratory of failure. The essence of their failure can be summed up in one sentence: in the course of acquiescing in and carrying out the requirements of presidential Reconstruction, Floridians unwittingly provided reasons or arguments to justify a political revolution which they assumed could not or would not occur.

Having considered the structure and the rhetoric of the movement for presidential Reconstruction in Florida, we are now in a position to reckon with one final question: What can be said of the movement study as an approach to rhetorical criticism? On the basis of the writer's experience, it would appear that this sort of study provides valuable aids to criticism--aids afforded not only by the unique patterns of the chosen movement but also by the disciplines of the movement study itself.

As the student surveys the invention and style that characterize a chosen movement, he is able to detect certain unique patterns or characteristics that probably could not be made discernible in any other way.

For example, as the writer traced invention through the movement for presidential Reconstruction in Florida, the "unvoiced" assumption underlying the rhetoric of acquiescence and adjustment unexpectedly appeared as the major premise of the rhetoric of vindication--"Congress has no authority to tamper with constitutional procedures." This discovery touched off what proved to be a fruitful investigation. Did Floridians assume in 1865 what they argued in 1866? The writer re-examined the political atmosphere of the period of acquiescence and adjustment with this question in mind, and found sufficient evidence to warrant the conclusion that in all probability Marvin and others did assume in

1865 that no party would interfere with a process or policy that had as its sole purpose the restoration of constitutional relations between the several states and the federal government.

Second, the pattern revealed by studying the relationship between the movement favoring presidential Reconstruction and the one opposing it the significance of timing as an element of persuasion. The nine-month period, bordered by the inception of the pro-movement on the one side--April 1865--and the inception of the counter-movement, on the other--January 1866--stands out in bold relief as a time of fruitful invention for the Radicals. This pattern, in short, points to President Johnson's poor sense of timing as one of the major weaknesses behind the oratory of failure. By initiating Reconstruction before Congress met, President Johnson in effect created a rhetorical time lag or incubation period during which his opponents were able to study the principles of his plan and ponder the results of its application. Had the President caused the inception of both movements to coincide by calling a special session of Congress or by waiting until Congress met before initiating his program of Reconstruction, neither he nor his supporters would have been handicapped by the incubus of a "scouted case."

Two other characteristics of the movement in Florida favoring presidential Reconstruction--the similarity between the style of the provisional governor and that of the conquered, and the persuasive character of the provisional governor's speeches--proved troublesome until it was recognized that the method of presidential Reconstruction was based on democratic processes. This "revelation" in turn led to a

more complete understanding of the circumstances under which the provisional governor and the conquered spoke--circumstances which had a critical bearing on both the invention and the style of the discourse.

Finally, the discipline imposed by the movement approach is salutary. The student of a movement is constantly reminded that he cannot re-create that movement unless he gives equal consideration to all of the essential elements in the rhetorical situation: the audience, the occasion, the speaker, and the speech. He studies these components of the communicative process for the sole purpose of searching out raw materials that are pertinent to the rhetorical image. "Side excursions" into history or biography are avoided for fear that they will blur the image.

One cannot help being impressed, moreover, by the influence which the movement study "exerts" against the common tendency to become too much attached to an individual orator one may be studying. The student of a movement concerns himself with the rhetoric of many men, and is, therefore, less prone to allow the stature of any individual to color his judgment. In addition, it is easier to dissect a movement than an individual. In the course of analyzing the movement for presidential Reconstruction in Florida, for example, one can match the eloquence of a William Marvin with that of a David S. Walker. One can observe that the reconciliation speakers of 1865 were little more than "Fourth of July orators" in 1866. "Ship of state" analogies can be compared with "bloody-shirt" appeals. The ex-Confederate's claims of good faith can be weighed against the testimony of those whom northerners praised

as the true sons of the Union in the South. The calibre of one man's arguments can be compared with that of a colleague and their joint argumentation can, in turn, be compared with the argumentation of their opponents.

The foregoing observations on the values of the movement study as an approach to rhetorical criticism should not be interpreted as an attempt to discredit more usual methods of investigation. The nature of the approach used must necessarily vary with the nature of the problem and the interests of the individual scholar. Since there is no one final and all-superior pattern of treatment, each critic should be concerned to share with others what he has learned from the application of the particular approach he has chosen to employ.

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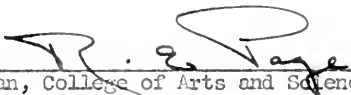
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This dissertation was prepared under the direction of the chairman of the candidate's supervisory committee and has been approved by all members of that committee. It was submitted to the Dean of the College of Arts and Sciences and to the Graduate Council, and was approved as partial fulfillment of the requirements for the degree of Doctor of Philosophy.

January 30, 1960



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